Economy and Society in the Age of Justinian

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The reign of the Byzantine Emperor Justinian (527–65) stands out in late Roman and medieval history. Justinian reconquered far-flung territories from the barbarians, overhauled the Empire's administrative framework, and codified for posterity the inherited tradition of Roman law. This work represents the first modern study in English of the social and economic history of the Eastern Roman Empire in the reign of the Emperor Justinian. Drawing upon papyrological, numismatic, legal, literary, and archaeological evidence, the study seeks to reconstruct the emergent nature of relations between landowners and peasants, and aristocrats and emperors, in the late antique Eastern Empire. It provides a social and economic context in which to situate the Emperor Justinian's mid-sixth-century reform programme, and questions the implications of the Eastern Empire's pattern of social and economic development under Justinian for its subsequent, post-Justinianic history.

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Preface

This work is meant as a short contribution to the study of the political economy of the Eastern Roman Empire in the age of the Emperor Justinian, one of the most extraordinary yet enigmatic rulers to have reigned in Byzantine Constantinople. For reasons that will be explained in the Introduction, however, much of it is concerned with the history of late Roman Egypt. The modern historiography of Egypt from the fourth to the seventh centuries AD is an important topic, which, for reasons of argumentative structure, will not be addressed in detail until chapter eight. It is perhaps worth signalling at the outset, however, for the benefit of those familiar with the topic, where my approach and conclusions stand in relation to the broader field. First, I am largely in agreement with Banaji in regarding the great estates of late Roman Egypt as highly commercialised, monetised, and sophisticated economic enterprises, although I place more emphasis than he does on the role played by coercion in the expansion and maintenance of these estates. I am also unconvinced by readings of the sources that present these great estates as 'semi-public institutions', or that are inclined to emphasise co-operative, symbiotic relations between the owners of these estates and the imperial authorities. For most of the period in question, the state only accommodated the interests of great landowners because it had to, and it invariably emerged weaker as a result. It is my contention that the degree of peasant autonomy in late Roman Egypt has been much exaggerated. My approach to the papyrological sources is a 'bottom up' one modelled on that of Rathbone, although my sources do not permit anything like the degree of analytical sophistication that has informed his work. In particular, along with others who have turned their attention to the material, I have found that the Apion archive is not really amenable to the sort of deep, structural analysis that has informed some of the best papyrological studies of recent years. Rather, the highly fragmentary nature of the archive (as it stands) invites a more straightforward, procedural technique.

During the course of writing this study, I have incurred many debts of gratitude. It began life as a doctoral thesis written under the supervision of James Howard-Johnston, who, both as undergraduate tutor and doctoral supervisor, was a source of constant encouragement and impeccable advice. John Rea guided me through the papyrological sources with remarkable patience. Both conceptually and substantively I owe a great deal to conversations and communications with Jairus Banaji, Peregrine Horden, John Ma, Cyril Mango, Marlia Mundell Mango, (the late) Geoffrey de Ste Croix, and Chris Wickham (without whose assistance this book really would not have been written), as also to my undergraduate formation at Balliol at the feet of Maurice Keen and (the again late, and much missed) Patrick Wormald. The doctoral dissertation on which this book is based was examined by Alan Bowman and John Haldon, who, along with Cambridge University Press's 'anonymous readers', and my editor, Michael Sharp, I should like to thank. The research on which it is built owes a great deal to the forbearance of Norma Potter of the Codrington Library in Oxford, the staff of Trinity College Library in Cambridge, and the generosity and companionship of the Master and Fellows of Trinity. Turlough Stone provided invaluable support and read the whole in draft. Some older debts need to be repaid. I was first directed to the study of Byzantium as a schoolboy by two of my history masters: Geoffrey Brown and Nigel Williams. To them, and to Gerald Bevan (who taught me how to think) I owe much. Lastly, I thank my parents for encouraging my childhood interest in History and Hellenism in all its forms, and it is to the memory of my late father, Andreas Costas Sarris (1937–2002) that this work is dedicated.

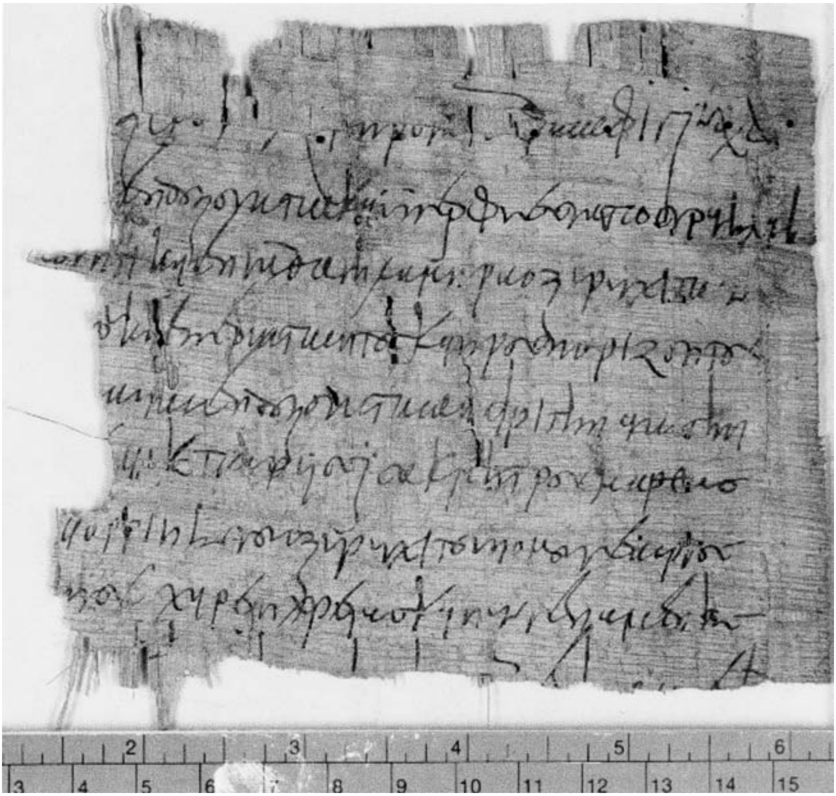


Figure 1 *P.Oxy.* LVII 4616 – receipt for part of an irrigation machine issued by the Apion household to an estate labourer in September 525. Courtesy of the Egypt Exploration Society

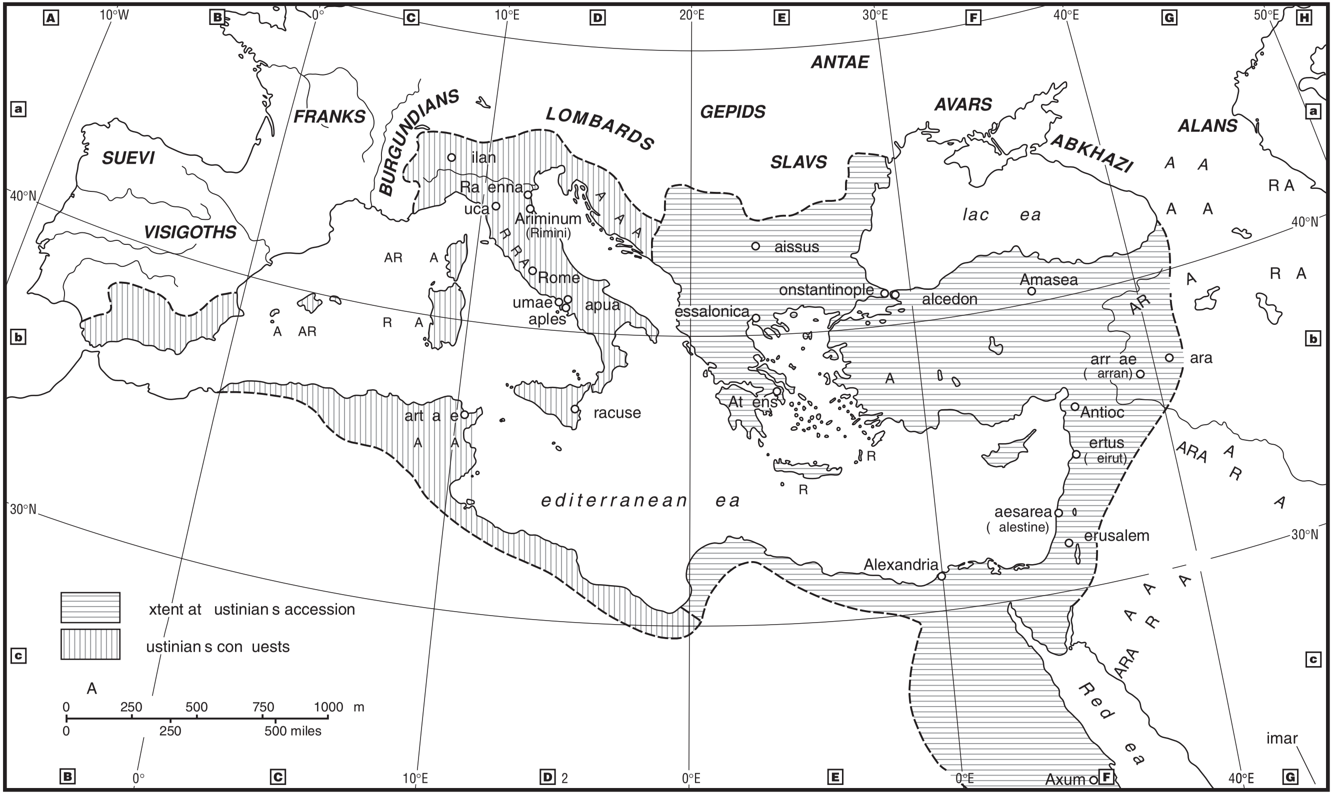


Figure 2 Map of Justinian's empire in 565

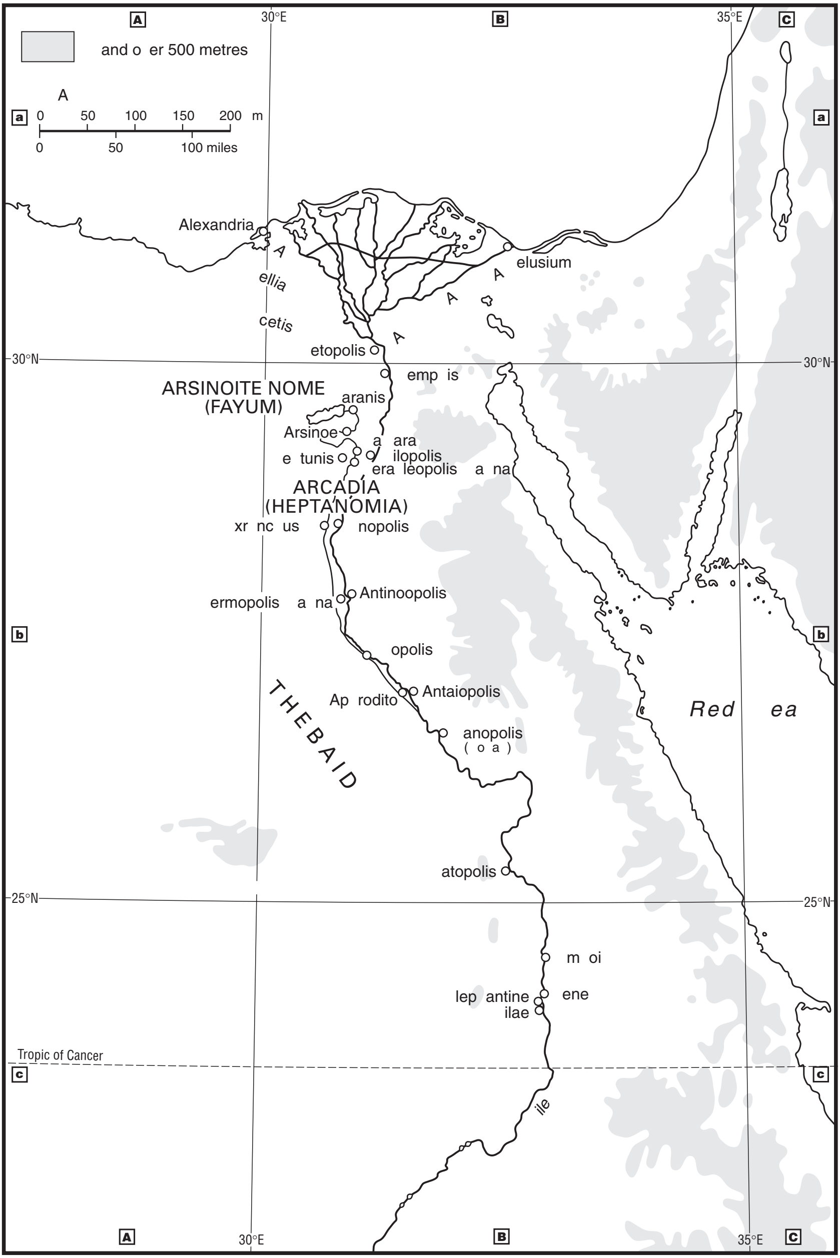


Figure 3 Map of Egypt

Introduction

In the year 565, in the imperial capital of Constantinople, the Emperor Justinian died, bringing to a close a reign that had lasted some forty-eight years. In death, as in life, Justinian left a deep impression on those around him. The Latin court poet Corippus declared that 'the awesome death of the man showed by clear signs that he had conquered the world. He alone, amidst universal lamentations, seemed to rejoice in his pious countenance.'[1] The memory of Justinian was to loom large in the minds of subsequent generations of emperors, just as the physical monuments built in Constantinople during his reign were long to dominate the medieval city.[2] The emperor had reformed the civil law of the empire, overhauled its administrative structures, and restored imperial rule to Africa, Italy, and part of Spain; he had engaged in long drawn-out warfare with the prestige enemy of Sasanian Persia and attempted to restore peace to the increasingly fissile imperial Church. In short, through his military exertions, Justinian had done much to restore the Roman Empire to a position of military and ideological dominance in the lands bordering the central and western Mediterranean, whilst at home he had sought to bolster the legal, administrative, and religious authority of the imperial office.[3]

This attempted restoration of imperial fortunes had been accompanied by a concerted effort to propagandise on behalf of the emperor and his policies. Justinian's aides and advisers, such as the *quaestor* Tribonian, had sought to convey to the emperor's subjects an image of active, triumphant, and pious rulership. In an imperial constitution of 533, for example, we find Justinian lionised as the 'conqueror of the Alamanni, Goths, Franks,

[1] *Flavius Cresconius Corippus, In Laudem Iustini Minoris, Libri Quattor* 1.239–41: 'mors veneranda viris signis monstravit apertis. | Ipse videbatur cunctis plangentibus unus | effigie gaudere pia.' Averil Cameron 1976: 43.

[2] Mango 1986: 109.

[3] For the best recent overview of Justinian's reign, see Maas 2005. For the extent of Byzantine influence beyond the empire by the end of Justinian's reign, see Harris 2003.

Germans, Antes, Alans, Vandals, Africans – devout, fortunate, renowned, victorious, and triumphant'.[4] The constitution goes on to describe how the emperor was determined to stand victorious 'not only over enemies in war but also over troublemakers at home, driving out their wickedness through the paths of law'.[5] This was an image calculated to inspire both awe and fear. It was advertised throughout the empire through proclamations and inscriptions and was further replicated beyond the world of the court in contemporary writings that drew upon imperial propaganda, such as the *Chronicle* of John Malalas.[6] The original version of the *Chronicle* records that in Constantinople, in the wake of the quelling of the 'Nika' insurrection of 532, there was 'great fear and the city was quiet'; in response to imperial persecution of pederasty, there was both 'great fear and security'.[7] Likewise, the early-seventh-century *Chronicon Paschale* records how under Justinian 'there arose great imperial terror'.[8] Such fear was regarded by Justinian and his entourage as a vital tool of effective imperial government.[9]

The official representation of Justinian's personal rule, as expressed through the medium of the imperial edicts and constitutions promulgated during his reign, was not couched solely in terms of imperial omnipotence, however.[10] Rather, particularly from Justinian's provincial and administrative legislation, there emerges the picture of an imperial office obliged to contend with what are presented as highly powerful and deeply insidious vested interests amongst elements of the imperial bureaucracy and the governing classes of the empire. This sense is conveyed with particular clarity in an imperial edict issued in the year 538–9 concerning the fiscal, civil, and military administration of Alexandria and the provinces of Egypt.[11] The contents of the 538–9 edict are highly informative, for they present a picture of the Emperor Justinian rounding angrily on his praetorian prefect, John the Cappadocian, claiming that the imperial authorities in Constantinople and Alexandria had shown themselves largely incapable of supervising the

[4] Cn. Imp. Maj.: 'In nomine domini nostri Jhesu Christi imperator caesar Flavius Iustinianus Alamannicus Gothicus Francicus Germanicus Anticus Alanicus Vandalicus Africanus pius felix inclitus victor ac triumphator.'

[5] Ibid. *proemium*: 'ut . . . princeps Romanus victor existat non solum in hostilibus proeliis, sed etiam per legitimos tramites calumniantium iniquitates expellens'.

[6] Scott 1981: 12–31 and 1996: 23. [7] Scott 1985: 103.

[8] *Chronicon Paschale* (*sub anno* 531) – once again, in the aftermath of the Nika riots. The entry is misplaced chronologically. The *Chronicon Paschale* is itself highly dependent upon Malalas' account.

[9] Scott 1985: 104.

[10] For the rhetoric of imperial power, see Kelly 1998: 139–50.

[11] *J.Edict* 13: Περὶ τῆς Ἀλεξανδρέων καὶ τῶν Αἰγυπτιακῶν Ἐπαρχιῶν. For the date of the edict, see Malz 1942/3: 135–41. The suggestion that the edict should be dated to 554 is almost entirely unconvincing. See Rémondon 1955: 112–21.

collection of taxes from Egypt – the wealthiest region of the Eastern Roman Empire. As Justinian declared:

> the tax-payers insisted absolutely that everything had been exacted in its entirety, but the pagarchs and *curiales* and collectors of the public taxes and the various governors at the time used to so administer the business hitherto that it was impossible for anyone to become at all acquainted [with its workings] and they alone profited.[12]

Justinian thus singled out for criticism a select body of imperial officials: tax-collectors; those responsible for fiscal districts; civic councillors; and provincial governors; that is to say, individuals holding imperial office, many of whom would also have belonged to the highest echelons of imperial and provincial land-owning society. It was the corruption and avarice of members of this clearly identified group that Justinian held responsible for the failure of the imperial authorities to receive the expected tax revenues from Egypt. The emperor represented himself as locked in conflict with lawless elements amongst the empire's social and administrative elite, whose activities, Justinian declared, threatened 'the very cohesion of Our state itself'.[13] Likewise, in 536, Justinian had issued a constitution concerned with the governance of the province of Cappadocia: the temerity shown by the leading magnates of the region, whom the emperor described simply as the 'mighty' (δυνατοί), had, he declared, made him go red with anger.[14]

This image of an imperial office beset with internal foes was, of course, no less propagandistic in intent than the rhetoric of imperial triumph. There was nothing inherently novel in the concept of the emperor as ever-watchful defender of the integrity of the Roman state and the guarantor of peace within it. Similarly, the rhetoric of imperial antipathy towards the ruses of the 'mighty' and, by inference, of imperial concern for the wellbeing of the 'humble and meek', was evidently derived from Holy Scripture, and the well-established concept of the emperor acting in emulation of God.[15]

However, the sense conveyed by much of Justinian's provincial legislation, that his reign witnessed a bitter struggle between the person of the emperor and elements within the political and social elite of the empire,

[12] *J.Edict* 13 *proemium*, lines 13–15: ἀλλ᾽ οἱ μὲν συντελεῖς καθάπαξ ἰσχυρίζοντο πάντα εἰς ὁλόκληρον ἀπαιτεῖσθαι, οἱ παγάρχοι δὲ καὶ οἱ πολιτευόμενοι καὶ οἱ πράκτορες τῶν δημοσίων καὶ διαφερόντως <οἱ> κατὰ καιρὸν ἄρχοντες ὅυτω τὸ πρᾶγμα μέχρι νῦν διετίθεσαν, ὡς μηδενὶ δύνασθαι γενέσθαι γνώριμον, αὐτοῖς δὲ μόνοις ἐπικερδές.

[13] Ibid. line 6: τὰ συνέχοντα τὴν ἡμετέραν πολιτείαν.

[14] *J.Nov.* 30.5.1: ἐρυθριῶμεν εἰπεῖν μεθ᾽ ὅσης ἀλῶνται τῆς ἀτοπίας.

[15] See Luke 1.52: καθεῖλεν δυνάστας ἀπὸ θρόνων καὶ ὕψωσεν ταπεινούς. For a tenth-century parallel, drawing upon the Justinianic legislation as a template, see Morris 1976: 3–27. For divine mimesis, see McCormick 2000: 156–60, and Kelly 1998: 139–50.

would appear to have represented more than mere posturing on the part of Justinian and his advisers. For precisely the same picture is emergent from the literature written in response to Justinian's policies both during the emperor's reign and thereafter. As with Justinian's edict on Egypt, this conflict is depicted as having focused in particular, although not uniquely, on questions of fiscality, that is to say, the operation of the imperial system of taxation. The sources indicate unequivocally that in senatorial circles in Constantinople there was palpable unease at the fiscal implications of Justinian's attempted restoration of imperial fortunes. Upon his accession to the throne in 565, for example, Justinian's successor, Justin II, who would seem to have drawn the mainstay of his support from senatorial interests at court, famously declared that he found 'the treasury burdened with many debts and reduced to utter exhaustion'.[16] This sentiment soon found itself repeated in propaganda disseminated on behalf of the new regime, as also in the works of Greek authors of the late sixth century writing in the 'high style', such as Procopius' continuator, Agathias, or the ecclesiastical historian Evagrius.[17]

This late-sixth-century perspective on Justinian's reign evidently drew upon criticisms of the emperor and his entourage that were already current during his lifetime. Thus Evagrius' complaints against one of Justinian's ministers, a certain Aetherius, who, he declares, 'resorted to every degree of sycophancy, plundering the properties of the living and of the dead in the name of the Imperial Household, of which he was in charge under Justinian', echo the sentiments expressed in the late 550s by the imperial bureaucrat, scholar, and antiquarian John Lydus.[18] In his treatise *On the Magistracies of the Roman State*, Lydus bemoaned the brutal impact on his native city of Philadelphia of the attempts made by Justinian's officials to collect the imperial taxes which they believed to be due. He recorded how

> A certain Antiochus, already an old man by age, was reported to him as being master of a certain amount of gold. For that reason [the official] arrested him and suspended him from both hands with strong ropes until the old man, having denied it, was freed from his bonds a corpse. I was a spectator of that vile murder, for I knew Antiochus.[19]

[16] *J.Nov.* 148 *proemium*: τὸ γὰρ δημόσιον χρέεσι πολλοῖς καταπεφορτισμένον εὑρόντες καὶ πρὸς τὴν ἐσχάτην ἀπορίαν ἐλάσαν. For senatorial support, see Averil Cameron 1976: 131 note and 165 note.

[17] Note the negative comments in Agathias, *Hist.* 5.14, Menander Protector fr. 8, and Evagrius Scholasticus, *Historia Ecclesiastica* 4.30.

[18] Evagrius, *Historia Ecclesiastica* 5.3: Αἰθεριος δὲ διὰ πάσης ἰὼν συκοφαντίας, καὶ τάς τε τῶν ζώντων τῶν τε τελευτώντων τὰς οὐσίας ληιζόμενος ὀνομάτι τῆς βασιλικῆς οἰκίας ἧς ἐπὶ Ἰουστινιανοῦ προὐστήκει.

[19] *De Magistratibus* 3.57: Ἀντίοχος τις, ἤδη γέρων τὴν ἡλικίαν, ἐμηνύθη αὐτῷ χρυσίου δεσπότης εἶναί τινος, συσχὼν οὖν αὐτὸν καλῳδίοις στιβαροῖς ἀνέδησεν ἐκ χειροῖν ἕως ἔξαρνος γενόμενος ὁ

Lydus goes on to paint a salacious caricature of Justinian's chief financial officer for most of the early part of his reign, John the Cappadocian, denouncing him both for his fiscal rapacity and his equally unrestrained sexual appetites: in both public and personal terms, the *parvenu* Cappadocian is described as lacking the self-restraint expected of a gentleman.[20] Lydus' treatise breaks off with the temporary deposition of John the Cappadocian in January 532, and the emperor's replacement of him as praetorian prefect with a well-born aristocrat of conservative temperament by the name of Phocas, whose promotion Lydus eulogises as heralding the restoration of a golden age.[21] This account is given added piquancy by the fact that Lydus must have known that Phocas was only to hold office for a matter of months, and that John the Cappodocian was destined to return. Any 'golden age' was to be short-lived.[22]

Similar motifs emerge from the bitter invective against Justinian and his wife, the indomitable Empress Theodora, written by Procopius of Caesarea in his *Secret History*, once again probably composed during the emperor's lifetime.[23] In addition to dwelling on the subject of the empress' cruelty and sexual excess, and the emperor's tyrannous and over-centralising zeal, Procopius emphasises the deleterious consequences for the empire at large of Justinian's all-consuming fiscal appetite. In one particularly vivid passage, Procopius purports to recount a dream that had come to a 'notable' in Constantinople, by which he probably meant a senator, prior to Justinian's accession to the throne in 527. The future emperor was seen standing in the middle of the Bosphorus, guzzling up the waters that surrounded the city until the very sewers of the imperial capital ran dry.[24] So too, we might infer, was Justinian to drain his subjects of their wealth.

Whilst denouncing the emperor's insatiable demand for tax revenues, Procopius returns time and again to a specific charge: the harm deliberately done to senatorial and land-owning interests by imperial policy. The emperor is criticised for refusing to remit taxes to landowners who had lost agricultural workers to the bubonic plague;[25] he and his wife are accused of devising various strategies for seizing the estates of members of the land-owning elite of the provinces,[26] and of using trumped-up charges

γέρων νεκρὸς τῶν δεσμῶν ἠλευθερώθη. ταύτης ἐγὼ τῆς μιαιφονίας γέγονα θεωρὸς ἠπιστάμην γὰρ τὸν Ἀντίοχον.

[20] *De Mag.* 3.62. [21] *De Mag.* 3.76.

[22] John was reinstated as praetorian prefect by October 532. See Whitby and Whitby in a note to their traslation of *Chronicon Paschale* (1989: 116, n. 149). For the dating of the *De Magistratibus*, see Bandy's 1983 edition: xxvii–xxviii. On Phocas, Bandy notes 'This praise may well have had as its (further) underlying purpose the vindication of Phocas against the charges of paganism brought against him in 545–6, which resulted in his suicide' (xxi).

[23] Greatrex 1994: 101–14. [24] *Anecdota* 19.1. The dream came 'τῶν τινι ἐπιφανῶν'.

[25] *Anec.* 23.19. [26] *Anec.* 11.39–41.

to confiscate senatorial patrimonies.[27] It is in response to an account of Justinian and Theodora's attempts to seize senatorial estates in the wake of the Nika insurrection of 532 that Procopius adds that 'it was for such reasons to me and *most of us* (τοῖς πολλοῖς ἡμῶν) that these two people never seemed to be human beings, but rather avenging demons of some sort'.[28] This reference to the author's 'us' is highly suggestive and provides crucial insight into Procopius' aristocratic sympathies.

In addition to sharing general themes, both John Lydus and Procopius can be seen to adopt a common stance in relation to individual policies and events. Procopius concurred with Lydus' enthusiasm for Phocas, the praetorian prefect of 532;[29] both authors are critical of the economies effected with respect to the imperial messenger system or *cursus velox* by John the Cappadocian; and, crucially, they are critical of this policy for an identical reason – the impact of this measure on landowners.[30] It may be that John Lydus and Procopius knew one another and had exchanged opinions in private; it may be that Lydus had access to a copy of Procopius' *Secret History*.[31] Either way, both authors give voice to a shared sense of hostility towards Justinian's fiscal policies, and resentment at his treatment of members of the upper echelons of Constantinopolitan and provincial landed society, those whom Procopius defined as the senators and those 'reputed to be prosperous . . . after the members of the senate'.[32]

Both the legal sources composed on behalf of Justinian by his entourage, therefore, and the literary works written at the time by authors of aristocratic sentiment or sympathy, such as Procopius and John Lydus, speak with one voice. Both types of source portray Justinian's period of rule in terms of a protracted conflict between the emperor on the one hand and powerful, conservative elements within landed society and the imperial bureaucracy on the other. To some extent, this unison of testimony might be explicable in terms of the way in which Procopius frequently structures

[27] *Anec*. 19.11–12. [28] *Anec*. 12.12–14. [29] *Anec*. 21.6.

[30] *Anec*. 30.5–9 and *De Magistratibus* 3.61. According to Procopius, the workings of the *cursus velox* benefited 'landowners everywhere (οἱ τῶν χωρίων πανταχῇ κύριοι), and particularly if their lands happened to lie in an inland zone . . . For every year they sold the surplus of their crops to the Government for the provisioning of horses and grooms, and thus earned much money.' With the abolition of this system, John Lydus notes 'the contributor perished' (ὁ συντελεστὴς ἀπώλετο). On the significance of the term *syntelestes* ('contributor') for a well-born or powerful landowner, see Laniado 1996: 23–51.

[31] Averil Cameron 1985: 243 and Kaldellis 2004: 116.

[32] *Anecdota* 11.40. Lydus is also particularly critical of those administrative reforms that he felt had hindered his own personal career prospects and those of his colleagues on the legal staff of the praetorian prefecture: see the highly effective deconstruction of the *De Magistratibus* in Kelly 2004: 1–104.

his critique of Justinian's reign around the framework of the emperor's own legislation.[33] But Procopius is doing more than simply inverting imperial rhetoric. Rather, as with John Lydus, he gives us vivid, concrete, illustrative examples of the struggle between emperor and aristocrat, landowner and Crown: thus he describes the confiscation of the estate of Evangelus of Caesarea, 'a man of no little distinction', and Justinian's connivance in the Church's illicit acquisition of the property of Mammianus of Emessa, 'a man of distinguished family and great wealth'.[34] Both types of source describe an objective social reality. The imperial response to this reality was to advocate autocratic centralisation. Procopius' response was to hint at opportunities for imperial assassination.[35] Either way, conflict and struggle were central to the politics of the age.

It is striking how little this perspective on Justinian's reign has informed modern studies of the period. Historians have been happy to follow in the footsteps of Procopius, and indeed, Justinian's own propaganda, in terms of emphasising the emperor's military feats, his building activity, and his centralising tendencies, but they have been rather less inclined to follow the indications given by both Procopius and the imperial legislation as to this broader context to many of Justinian's policies and the political history of his reign.[36] Both the literary works and the legal texts appear to point to an important social and economic dimension to Justinian's reform programme arising out of a bitter struggle between the imperial authorities and aristocratic interests over access to the wealth created by – and extractable from – the labouring population of the empire. Yet such indications have been largely ignored in the recent historiography.[37]

That historians have tended to shy away from approaching the reign of Justinian in such terms is perhaps readily explicable. In recent decades the study of the late antique Eastern Empire has become ever more popular. Yet most of the research undertaken has tended to be essentially cultural in focus.[38] As a result, 'cultural determinism' has become the order of the day.[39] Although economic history has been written, primarily social and economic explanations for the empire's pattern of development have not been fashionable, and hypotheses based upon concepts of class antagonism and social conflict even less so, redolent as they are of 'Marxist' associations and models.[40] In addition, it can be argued that we simply do not possess the sort of evidence required to write a plausible socio-economic account of

[33] See Kaldellis 2004: Appendix I: 223–8. [34] *Anecdota* 30.17–21, and 28.2–10.
[35] See Kaldellis 2004: 159–64. [36] Scott 1996: 20–4.
[37] Thus Maas 2005 contains very little by way of diachronic discussion of social and economic trends.
[38] Giardina 1999: 157–80. [39] See, for example, Fowden 1993. [40] Note Kaegi 1994: 487–9.

the age of Justinian. The first instinct of the social and economic historian has traditionally been to look to documentary evidence. For the late antique Eastern Empire of the sixth century, however, documentary sources are, on the whole, few and far between.[41] Epigraphic data, archaeological evidence, and hagiographic texts can each provide crucial insights into various aspects of late antique social and economic realities, but in the final analysis, they are poor substitutes for documentary texts.[42]

Yet to attempt to make sense of the reign of the Emperor Justinian in social and economic terms, and in particular, with an eye to conflict between the imperial authorities and members of the land-owning elite of the empire, would not be to impose upon the early Byzantine world an inappropriate and alien form of analysis derived from what some might regard as an outdated and discredited politico-historical ideology. Rather, as already seen, it would be to adopt the perspective of the sources themselves. The imperial legislation, the writings of Procopius, and those of John Lydus all point in the same direction. They invite a response. In order to formulate such a response, the historian has little choice but to attempt to make maximum use of such sources as are available, however limited or imperfect they may be. The chapters that follow represent an (initial) effort at just that – an attempt to build up a social and economic context in which to situate Justinian's reign, and also to consider the implications of the empire's pattern of social and economic development under Justinian for its subsequent post-Justinianic history.

In so doing, great emphasis will be placed on the one region of the late antique east from which there survives a substantial body of documentary sources, namely Egypt, for which we possess valuable collections of documentary papyri. Whilst interpretation of the Egyptian material is by no means straightforward, any attempt to come to terms with the political developments of the sixth century in their social and economic setting inevitably leads back to the testimony of the papyrological sources. On one level, this is because it is only through examination of the Egyptian papyri that we may establish a firm conceptual basis from which to proceed to the study of the legal, numismatic, epigraphic, hagiographic, and archaeological evidence for the empire at large. To put things another way, it is primarily through the testimony of the papyri that we encounter the material structures and the social, administrative, and legal vocabularies

41 The same is even more true, of course, of the late antique west – see the comments of Collins 1991: xiv.

42 For the problematic interpretative nature of archaeological, epigraphic, and hagiographic sources, see Sarris 2002a: 172–5 and Sarris 2004b: 55–71.

preserved in the other sources, deployed, given meaning, and lived in by those who experienced them.

The truly crucial significance of the papyri, however, lies in the fact that they preserve details of the structure, administration, and activities of a number of aristocratically owned great estates dating from the fifth, sixth, and seventh centuries. As a result, the Egyptian papyri reveal what relations between the imperial authorities, aristocratic landowners, and provincial society beyond the great estates looked like on the ground. As will be seen in chapter eight, the social, economic, and juridical character of these estates has been hotly and, at times, fiercely debated over the years. They have been variously characterised as socially preponderant proto-feudal 'baronies';[43] relatively marginal bit-players in a provincial world dominated by autonomous peasant producers;[44] and, in more recent years, 'semi-public' institutions which shouldered many of the administrative burdens of the late Roman state.[45] Some have regarded them as highly commercialised enterprises, others as rather more primitive, essentially autarkic regimes.[46] In the chapters that follow each one of these propositions will be examined, challenged, and – to varying degrees – modified. In any case, it is with Egypt that we must begin.

[43] See Bell 1917: 86–106 and Hardy 1931.
[44] Johnson and West 1949.
[45] Rémondon 1974: 17–32; Gascou 1985: 1–90.
[46] For sophistication, see Banaji 2001 and Mazza 2001; for the most recent and spirited defence of primitivist autarky, see Hickey 2001.

CHAPTER I

Egypt and the political economy of empire

EGYPT WITHIN EMPIRE

The centrality of Egypt to the wider political economy of the Eastern Roman Empire in the early sixth century cannot be overstated.[1] On one level, the significance of the region can be gauged in straightforwardly demographic terms. The cultural and administrative focal point of Egypt in late antiquity was the city of Alexandria, which, with Constantinople and Antioch, was one of the great *metropoleis* of the eastern Mediterranean, with a population of perhaps some 200,000–300,000.[2] The lands of the Nile Valley beyond Alexandria may have supported a further five million souls, up to one third of whom, it has been estimated, may have lived in urban centres, a density of population which was not to be seen again in the Mediterranean world until the early modern period.[3] While such figures can never be anything more than rough estimates, to suggest that perhaps one-quarter of the inhabitants of the Eastern Empire in about 500 lived in Egypt would not be wildly misleading.[4]

The demographic contribution of Egypt to the Eastern Roman Empire was as nothing, however, in comparison to its economic significance. Egypt was the economic powerhouse of the late antique Mediterranean.[5] On a recent analysis, it has been postulated that the 'gross provincial product' of

[1] For a useful introduction to pre-Islamic Egypt, see Bagnall and Rathbone 2004.

[2] See most recently Haas 1997: 45–7. For Constantinople, see Mango 1985; for Antioch, Liebeschuetz 1972 and Kondoleon 2001.

[3] See Bagnall and Frier 1994: 55–6 for an estimate of about five million inhabitants for Egypt in the early imperial period. The population may have been somewhat higher than this in the fifth and early sixth centuries, which are generally agreed to have constituted a period of demographic expansion, and probably somewhat lower in the second half of the sixth century, in the aftermath of the advent of bubonic plague. See also Alston 2002: 330–4, whose work posits a larger population for Alexandria (*c.* 500,000) but a lower level of urbanism overall, with the urban population comprising perhaps 20 to 25 per cent of the population.

[4] See, for example, Treadgold 1997: 137: 'the probability remains that between 284 and 457 the population [of the Eastern Empire] remained within the range of 15 to 20 million'.

[5] I owe the phrase to Professor C. Wickham.

sixth-century Egypt amounted to a minimum of some 20 million *solidi*.[6] For the same period, it has been estimated that the region contributed three-eighths of all fiscal revenues collected by the imperial authorities from the eastern provinces.[7]

This wealth was the result of Egypt's unique natural resources, and in particular, the Nile flood. The author of the fourth-century gazetteer of the empire, the *Expositio Totius Mundi et Gentium*, described how the annual inundation of the River Nile covered 'the entire surface of the land, and effortlessly brings forth all the fruits of the earth'.[8] The Nile inundation, combined with the irrigation systems, canals, and technological innovations that further facilitated agriculture beyond the Nile valley, blessed Egypt with a fecundity unrivalled in the Mediterranean world. In particular, Egypt grew wheat on a vast scale. As a result, it served as the breadbasket of the empire. In the early sixth century the imperial authorities shipped over 240 million kilograms of grain a year from Egypt to Constantinople, in what was known as the 'happy shipment'. This was used to supply the imperial capital, other cities of the east, and the imperial army on campaign.[9] As the author of the *Expositio* put it, albeit with some exaggeration, 'no other province could subsist without divine Egypt'.[10]

The extraordinary wealth and high population density of late antique Egypt meant that very substantial profits could be derived from internal, localised patterns of production and exchange. This may have acted as a disincentive to any long-distance export trade save in the case of a small number of exceptionally high-value goods, or items in which Egypt possessed an effective monopoly. The author of the *Expositio*, for example, noted the abundance of viticulture within the region, an assertion amply supported by the documentary papyri.[11] Yet comparatively little wine would

[6] Banaji 2001: 65. [7] Hendy 1985: 172.

[8] *Expositio Totius Mundi et Gentium* chapter 34: 'Habes ergo omnem Aegypti regionem coronatam fluvio qui sic vocatur Nilus, qui veniens rigat omnem faciem terrae, et fructum fert omnem sine oleo.'

[9] For the annual corn shipment to Constantinople of 8 million artabas of grain, see *J.Edict* 13.8. For the rough rate of conversion of artaba to kilogram, see Bagnall 1993: 332. Jones 1964: II, 698 estimates the sum shipped to have been sufficient to have supported 600,000 individuals. The usual estimate is that one person could live on 10 artabas of wheat a year – see Pestman 1990: 49. Note also Teall 1959: 122–46.

[10] *Expositio Totius Mundi et Gentium* chapter 36: 'non posse aliam provinciam sufficere nisi divinum Aegyptum'. In his *Secret History* Procopius records an interesting account of the praetorian prefect Peter Barsymes, which suggests that it was common practice for grain sent from Egypt that was surplus to the needs of Alexandria and Constantinople to be assigned to and be compulsorily purchased by 'the eastern cities' – Procopius, *Anecdota* 22.14–17. For the role played by the state in the feeding of cities in general, see Durliat 1990a.

[11] *Expositio Totius Mundi et Gentium* chapter 34. For discussion of papyrological evidence for viticulture, see Banaji 2001 and Hickey 2001.

appear to have been exported: the main amphora (or jar) type produced in late antique Egypt (LR7 – in which wine would have been most commonly conveyed) is found in relatively small quantities along the sea-lanes leading to Constantinople and along the Palestinian littoral.[12] Rather, Egypt is most conspicuous from the ceramic record as a centre for consumption on a grand scale, drawing in imports from throughout the eastern provinces and beyond, catalysing and sustaining commodified production throughout the Mediterranean world.[13] In the documentary and literary sources Egypt and Alexandria are recorded to have provided a market for goods ranging from Spanish olive oil, Gallic soap, and Rhodian wine to Arabian frankincense, Ethiopian hippopotamus tusks, and pickled fish from Gaza.[14]

The significance of the ceramic evidence should not, however, be overstated, and almost certainly gives a misleadingly lopsided impression of the 'balance of trade' of late antique Egypt. The export market for Egyptian wine was probably curtailed by the fact that the wines of Palestine, especially those of Gaza, were reputed to be infinitely superior.[15] Rather, Egyptian merchants seem to have specialised in archaeologically less visible, durable, or 'sourceable' commodities than wine-filled amphorae, many of which are likely to have travelled 'piggyback' along with the imperial grain shipments.[16] As Harris has noted:

> Some impression of precisely how 'mixed' a late antique cargo could be is indicated by the description given in two fifth-century Alexandrian horoscopes. These tell us that ships left Egypt with cargoes composed of a mixture of small birds, papyrus, camels, high quality textiles, objects of bronze and kitchen utensils, silver, (and) dried goods . . . Identifying the components of such cargoes in archaeological terms would be extremely difficult. It is salient that in this example only the bronze and silver (and possibly the 'kitchen utensils', assuming that these were not wooden)

[12] See Kingsley and Decker 2001: 4–5 and Banaji 2001: 158–9 for discussion and extensive bibliography. Banaji notes that the export trade in Egyptian wine would appear to have expanded somewhat over the course of the sixth century. The same pattern is evident with regard to trade with the west, where finds of LR7 become more common in the late sixth century, before petering out in the seventh. The scale of the sixth-century expansion should not, however, be exaggerated: see Harris 2003: 58, figure 11.

[13] See Kingsley and Decker 2001: 4, where they note that 'recent archaeological research is demonstrating that . . . early Byzantine Egypt was a massive market for a cosmopolitan range of East Mediterranean staple foodstuffs and other products. Wines from Gaza and Ashkalon in Palestine seem to have almost monopolised those imported in amphorae through the port of Alexandria . . . An estimated 80% of LR 1 amphorae from Alexandria, Middle Egypt and the Fayum are of Cypriot origin and 15% derive from Cilicia . . . Manufactured commodities, represented in the archaeological record by Phocaean, Cypriot and African red slip ware, are also common within the province.'

[14] Johnson and West 1949: 107–51.

[15] For Gaza in late antiquity, see the fascinating hagiography of Porphyrius written by Mark the Deacon. For the Palestinian wine trade, see Kingsley 2001: 87–106.

[16] See McCormick 2001: 98 note.

would be visible in the archaeological record. This is a sobering thought, especially as the organic material may have been the most valuable.[17]

The exportation of vast quantities of papyrus is further mentioned in the *Expositio*.[18] At the same time, Egypt was a renowned source of aromata and spices and was further characterised by its wealth of mineral resources beyond those already mentioned, such as red porphyry and gold.[19] Many of these commodities travelled far to the north and west: in sixth-century Francia, for instance, 'we hear of Egyptian textiles being used in the Church of Tours, as well as of a hermit who ordered herbs from Egypt'.[20]

Egypt also served an important role as an *entrepôt* and transit point for long-distance trade. Egypt in general, and Alexandria in particular, stood at the nexus of a series of inter-regional trade routes that traversed much of the known world. The *Life* of the seventh-century Patriarch of Alexandria, John the Almsgiver, written by Leontius of Neapolis *c.* 641–2, describes trading vessels belonging to the patriarchate visiting not only Palestine, but also the Adriatic, Sicily, and Marseilles. In one episode, a merchant ship is recorded to have travelled as far as Britain.[21] Nor were trading contacts limited to the Mediterranean and the west. In the mid-sixth-century *Christian Topography*, the Alexandrian merchant Constantine (more commonly known to posterity as 'Cosmas Indicopleustes') wrote of how an acquaintance of his by the name of Sopatros had visited the island of *Taprobane* – thought to be modern Sri Lanka.[22] Likewise, the *Itinerarium Antonini Placentini*, written *c.* 560–70, describes ships from as far afield as India docking at the Red Sea port of Clysma.[23] Such trading contacts with the east are well attested numismatically.[24] Given the role played by

[17] Harris 2003: 56, who draws her information from Mundell Mango 2001: 98. The camels, we should note, were conveyed to Alexandria from Cyrenaica, but the rest of the cargo was Egyptian. For the texts of the horoscopes, see Dagron and Rouge 1982: 117–33.

[18] *Expositio Totius Mundi et Gentium* chapter 36.

[19] Johnson and West 1949: 107–51.

[20] Harris 2003: 68. For the routes taken by much of this northern trade see 64–72.

[21] Monks 1953: 356. Whilst the writings of Leontius are somewhat unreliable, Mango has concluded that the *Life of John the Almsgiver* 'can be used with some caution as a source for social and economic history'; Mango 1984: 40–1.

[22] Cosmas Indicopleustes, *Christian Topography*, book XI, chapters 17–19; see *La topographie chrétienne de Cosmas*, ed. Wolska-Conus: III, 348–50. For the date of composition, see Wolska-Conus' Introduction: I, 15.

[23] *Itinerarium Antonini Placentini*, see Milani edn: 216 – Clysma is described as a 'civitas modica . . . ubi etiam de India naves veniunt'. Ships from India are also mentioned as docking at Abila (= Aila) on the Red Sea; 'In Abila, autem, descendit navis de India cum diversis aromatibus' (212). In the sixth-century sources, India at times would appear to indicate any region beyond the empire bordering onto the Red Sea or the Indian Ocean, so some circumspection is required in relation to these accounts. See Crone 1987: 31.

[24] Narasmahamurthy 1985: 3, and Ghosh and Ismael 1980: 16.

Egypt in inter-regional trade, it should come as little surprise that it was the first region of the empire to suffer from the advent of bubonic plague in 541–2.[25]

We should also note the active role played by individuals of Egyptian origin in imperial government and politics throughout the late antique period: a role that, in a sense, mirrored the economic and fiscal significance of the region. From the late fourth century to the sixth, Egypt produced at least two urban prefects of Constantinople, and at least seven praetorian prefects of the east. This number increases to eight if we include the perhaps romanticised figure of the honorary praetorian prefect Eulogius, who, it is claimed, emerged from obscurity in the early sixth century after discovering a treasure-trove.[26] One of these praetorian prefects – Flavius Anthemius Isidorus – demonstrated a particular concern for Egyptian affairs, his eastern prefecture, dating from 435–6, witnessing the promulgation of numerous extant constitutions relating to the region.[27] Moreover, Egyptians held a number of the highest gubernatorial offices within their homeland – providing a minimum of six augustal prefects of Alexandria for the period between the 460s and 602.[28] As will be seen in chapter six in relation to the region of the Thebaid, the grip of Egyptians on Egyptian governorships beyond Alexandria was apparently even tighter.

[25] Allen 1979: 5–20, and Sarris 2002a: 169–82.

[26] Martindale 1980 (hereafter *PLRE* II): 420–1, Eulogius 9. The somewhat better-attested praetorian prefects include the figure of Cyrus of Panopolis PVC 426, PVC II and PPO (east) 439–41 (*PLRE* II: 336–9, Fl. Taurus Seleucus Cyrus 7), Hadrianus PPO (Italy) 401–5, 413–14 (Jones, Martindale, Morris 1971 (hereafter *PLRE* I): 406, Hadrianus 2), Anthemius PPO (east) 405–14 (*PLRE* II: 93–5, Anthemius 1), Erythrius PPO (east?) 466, 472, 474/491 (*PLRE* II: 401–2, Erythrius 1), Anthemius' son Isidorus PPO Illyricum 424, PPO (east) 435–6 (*PLRE* II: 631–3, Fl. Anthemius Isidorus 9), Apion PPO (east?) 518 (*PLRE* II: Apion 2) and Hephaestus PPO (east) 551–2 (Martindale 1992 (hereafter *PLRE* III): 582–3, Fl. Ioannes Theodorus Menas Narses Chnoubammon Horion Hephaestus). In addition to Cyrus of Panopolis, Iulianus served as PVC in 491 (*PLRE* II: 639, Iulianus 14). Of the some eighty-five praetorian prefects of the east who we know to have existed between 392 and 616, the origin of the vast majority (61) is unknown. Of the remainder, six were Egyptians, four were Syrians, three were Cappadocians, and two were Phrygians, whilst the following regions would appear to have produced one each: Gaul, Persia (?), Osrhoene (?), Greece, Lycia, Phoenicae, Lydia, Apamaea, and Euphratensis. See the *fasti* contained in *PLRE* II and III. Thus, of praetorian prefects of the east for whom we possess sufficient information, one-quarter were Egyptians. If one accepts the estimate of Bagnall and Frier, that after the third-century crisis the population of Egypt was some three to five million, and the estimate of Treadgold that the overall population of the empire was between fifteen and twenty million, this proportion would be demographically representative. See Bagnall and Frier 1994: 55–6, and W. Treadgold 1997: 137.

[27] *Codex Theodosianus* 14.26.2; 12.1.190; 12.1.191; 14.27.2; 11.5.3.

[28] Flavius Alexander 468–9 (*PLRE* II: 59, Fl. Alexander 23), Fl. Strategius 518/23 (*PLRE* II: 1034–6, Fl. Strategius 9), John Laxarion *c.* 542 (*PLRE* III: 642, Ioannes *qui et* Laxarion 31), Hephaestus 545–6(–551?) (*PLRE* III: 582–3, Fl. Ioannes Theodorus Menas Narses Chnoubammon Horion Hephaestus), possibly Julian in the mid sixth century (*PLRE* III: 733–4, Iulianus 12) and Peter in 602 (*PLRE* III: 1011, Petrus 56).

Egyptians also made a fundamental contribution to the development of Byzantine intellectual and literary culture in its formative late antique phase. Alexandria maintained a formidable reputation as a seat of philosophical and scientific learning, whilst, in terms of the literary arts, the fifth century has been characterised as an era of Egyptian poetic dominance.[29] Literary talent was in many ways if not quite a prerequisite, then at least a distinct advantage for those entering imperial service in this period. Through one's literary skills it was possible to attract and maintain a patron, and without patronage, preferment was almost impossible. In the early stages of his career, for example, John Lydus describes how he derived great benefit from the panegyric he wrote in honour of his patron Zoticus.[30] It is noteworthy that of those Egyptians who advanced through the imperial bureaucracy in the fifth and sixth centuries, several had something of a reputation as *littéraires*. Cyrus of Panopolis, who twice served as urban prefect of Constantinople in the early fifth century, was a distinguished poet, whilst Olympiodorus of Thebes, in addition to his career as a diplomat, wrote a twenty-two-book secular history covering the period from 407 to 425 dedicated to Theodosius II.[31] In the late fifth century there would appear to have existed a network of politically involved Egyptian men-of-letters associated with the household of the Emperor Anastasius. Egypt was a hotbed of resistance to the Christological formula established at the Council of Chalcedon in 451, and the association between leading figures of Egyptian origin and the person of the Emperor Anastasius may in part have been in response to the latter's known anti-Chalcedonian sympathies.[32]

Certainly, the Egyptian poets Christodorus and Colluthus of Lycopolis are identifiable as members of an Anastasian literary *salon*, whilst a number of Egyptians such as Julian the Alexandrian and Erythrius are recorded as holding high office under him.[33] The honorary praetorian prefect Eulogius is recorded to have been a supporter of Anastasius' nephew Hypatius amid the abortive coup against Justinian associated with the Nika riots of 532, whilst Julian the Egyptian, who served as praetorian prefect from 530 to 531, was commissioned to write a number of epigrams associated with members of Anastasius' household, including two *epitymbia* for Hypatius

[29] Alan Cameron 1965: 470–509. Thus Cameron states 'in the Later Roman Empire Egypt, not for the first time in its history, became the home of Greek poetry' (470).

[30] Lydus, *De Magistratibus*, see Bandy edn: ix–xvi.

[31] *PLRE* II: 336–7 – Fl. Taurus Seleucus Cyrus 7, and (798–9) Olympiodorus I. See Alan Cameron 1965: 473 and 497. See also Matthews 1970: 79–97.

[32] In general, see Frend 1972.

[33] *PRLE* II, Christodorus: 293, Colluthus: 304, Iulianus 14: 639, and Erythrius I: 401–2. See also Alan Cameron 1978: 259–62.

himself.[34] It is perhaps instructive that the emasculation of the Anastasian dynasty in the wake of the events of 532 can be seen to have coincided with a waning of Egyptian poetic dominance within the empire. It would seem that the defeat of the Nika insurrection destroyed a well-placed nest of Egyptian politicians, poets, and poetasters, whose political allegiances and Christological sympathies were deemed suspect by the Justinianic regime.

The eclipsing of one faction, however, opened up opportunities to others. Of Egyptians who prospered in imperial service in Constantinople under the Emperor Justinian, two above all stand out from the sources. Both are recorded in the writings of John Lydus. The first, a former augustal prefect of Alexandria, *dux Thebaidis*, and praetorian prefect of the east, possessed the full name, redolent with aristocratic pride, of Flavius Ioannes Menas Narses Chnoubammon Horion Hephaestus.[35] John Lydus noted of Hephaestus that he was 'a good man whose very name alone displayed the nobility which was his, for he was reputed to be a descendant of that Hephaestus, who, according to the Sicilian, had reigned as first king of Egypt'.[36] The second, a landowner from the Middle Egyptian city of Oxyrhynchus, Flavius Apion, had held high office under Anastasius, with whom, as John put it, he had shared the imperial dignity: a reference to his having held the titular rank of praetorian prefect of the east. The same Apion was described by Procopius as 'an extremely efficacious man of eminence among the patricians'.[37]

Flavius Apion had been accorded the titular rank of praetorian prefect *c*. 503/4, when he had played a vital part in the Eastern Roman Empire's crushing counter-attack against the forces of Sasanian Persia at Amida, overseeing the provision of grain from Edessa and then from Alexandria, to one of the largest armies ever mobilised for a single campaign in the Eastern Empire's history.[38] Given the vital role played by the Egyptian grain supply in feeding the imperial field army, the choice of an Egyptian landowner for this post would have made sense. Between 508 and 510 Flavius Apion is recorded to have been present in Constantinople, where he received the dedication of Severus of Antioch's *Contra Eutychen*, indicating that his theological sympathies at this point were staunchly anti-Chalcedonian. In 510, however, Apion fell from favour at court. As a result of this, he was exiled to Nicaea by Anastasius, denounced as a 'pederast and heretic' and,

[34] *PLRE* II: 420–1, Eulogius 9, and Alan Cameron 1977: 47.

[35] *PLRE* III: 582–3, Fl. Ioannes Theodorus Menas Narses Chnoubammon Horion Hephaestus.

[36] Lydus, *De Magistratibus* 3.30.

[37] *De Mag*. 3.158. Procopius, *de Bello Persico* 1.8.5. See also *PLRE* II: 111–12, Apion 2.

[38] Greatrex 1998: 96. See also Howard-Johnston 1995: 157–226.

along with one of his sons, Heraklides, was forcibly ordained.[39] It was only upon the accession of Justin as emperor in 518 that Apion was rehabilitated, a political development associated with his, perhaps pragmatic, conversion to a pro-Chalcedonian doctrinal stance. Indeed, according to Innocent of Maronea, Apion underwent this change of heart in direct response to a personal intervention by the Emperor Justin himself, backed up by his nephew, the future Emperor Justinian. Under Justin, Apion was appointed praetorian prefect of the east in full, in place of the *ad hoc* prefecture he had held during the Amida campaign.

Although nothing is known of the economic resources and actual ancestry that underpinned the authority and pretensions of Flavius Hephaestus, Flavius Apion, his ancestors, heirs, and estates are amply attested in the papyrological record. In fact, of all the papyrological dossiers detailing aristocratic estates in late antiquity, the 'Apion papyri' represent by far the most coherent and extensive body. As such, for present purposes, they constitute the single most important surviving collection of documentary sources for any region of the late Roman world. They reveal not only the history of a family, but also the contours of a society.

THE APION FAMILY

In naming its children, Apion's family adhered to the tradition of papponymy that was relatively common at the time.[40] Thus Flavius Apion's, presumably eldest, son was named Strategius, who in turn named his son Apion, who named his son Strategius. On the basis of this pattern, it is possible to identify Flavius Apion's father as the Strategius recorded as *comes domesticorum* in 497, and his grandfather as the 'most magnificent and all-praiseworthy former ex-*consul*' recorded papyrologically in the same year (hereafter Strategius II and Apion I respectively).[41] This would suggest that

[39] Theodore Anagnostes, *Historia Ecclesiastica*, see Hansen edn: 137. It is normally supposed on the basis of John Lydus that Apion suffered confiscation of property, but there is no trace of this in the papyri, and the text of the *De Magistratibus* is not entirely clear on the point. Lydus informs us that Anastasius moved against Apion during the prefecture of Leontius, and he goes on to write of leading men suffering confiscation at this time, see *De Magistratibus* 3.17. As the *Chronicle* of John Malalas informs us, others were exiled at the same time as Apion, and thus the reference to confiscations need not necessarily have applied to him. An account of the return of a number of senators from exile upon the accession of Justin I, including Apion, is also recorded in Theophanes *anno mundi* 6011.

[40] Gagos and van Minnen 1994: 19; Jones 1964: II, 530.

[41] *PLRE* II: 1034, Fl. Strategius 8, and 110–1, Apion 1. For the prosopography of the family up to Fl. Apion's sons, I am convinced by the arguments presented by Martindale and unmoved by the objections of Gascou 1985: 61–75.

Flavius Apion's great-grandfather may be identified with the Flavius Strategius first attested in the currently transcribed papyri in March 439, later recorded as a *curialis* of Oxyrhynchus, *comes sacri consistorii*, and *curator* of the Oxyrhynchite estates of Eudocia, wife of the Emperor Theodosius II (hereafter Strategius I). This Strategius was father to a daughter by the name of Flavia Isis.[42] It is highly likely that this Flavia Isis should be identified with Apion I's wife, in which case Apion I would have been Strategius I's son-in-law, rather than son. If so, Apion I was probably drawn from the land-owning aristocracy of the neighbouring region of the Herakleopolite, where he is known to have possessed property.[43]

Prior to the mid fifth century, the history of the Apion family is rather obscure. Nevertheless, it is possible that the Flavius Strategius I of the mid-fifth-century papyri is to be identified with the Strategius recorded in the correspondence of Isidore of Pelusium, to whom Isidore wrote to congratulate upon his accession to the office of *dux* of the province of Augustamnica. Isidore praised Strategius for possessing a 'soul suited for rule, despising wickedness since youth'.[44] Likewise, it is tempting to identify this early Flavius Strategius as either the grandson or great-great-grandson of the Flavius Strategius recorded in an inscription of 349 as *vir perfectissimus et praeses Thebaidos*.[45]

The history of the Apion family in the early and mid sixth century is rather less opaque. In addition to the Heraklides who was forcibly ordained in 510, the praetorian prefect Flavius Apion II is known to have fathered a second son, as noted, presumably the elder of the two, named Flavius Strategius (III), who succeeded his father in imperial service. In his edict on Alexandria and Egypt, Justinian praised Strategius III for the efficiency with which he had organised the grain shipment from Egypt during his period of office as augustal prefect. An honorary *consul*, *magister militum*, and *patricius*, Strategius III represented the emperor in negotiations with the Persians in 531 and 532. In 532, he also presided over a meeting of Chalcedonian and anti-Chalcedonian or 'Monophysite' bishops. Strategius III re-emerges in the historical record in 535 as *comes sacrarum largitionum* – chief finance minister – whilst also attempting to settle a dispute between the empire and its Arab – and, we should note once more – Monophysite allies. As a member of a family that had defected from an anti-Chalcedonian

[42] *P.Oxy*. LXIII 4389 and note 1. For Flavia Isis recorded in 469 – see *P.Oxy*. LXIII 4390.

[43] See Gonis 2004: 175–8.

[44] *PLRE* II: 1033, Strategius 4 for letter.

[45] *PLRE* I: 858–9, Flavius Strategius 5.

Christological stance *c.* 518, Strategius III's representations on behalf of the emperor in such Monophysite milieux are highly suggestive.[46]

Flavius Strategius III would appear to have died in the opening years of the 540s, but his son, Apion III, is recorded in the *fasti* as *consul* in 539 and, in the same year, as *comes domesticorum*.[47] By the late 540s he is described as *patricius* and, by *c.* 550, *dux Thebaidis*. In 556 Apion III can be seen bearing the titles of *magister utriusque militiae* and pagarch of Arsinoe in the Fayum. Such provincial responsibilities should not be read to imply any narrowing of political horizons on the part of the family. Apion III is recorded in the *Chronicle* of John Malalas as a leading figure of the Constantinopolitan senate, the servants of whose residence in the imperial city hurled insults at members of the Green faction. In 565/6 the papyri record preparations for the celebration of the birthday of Apion III's wife – the 'most magnificent woman of consular dignity'.[48] This wife has been identified as a daughter of Praeiecta, niece to the Emperor Justin II, grand-niece of the Emperor Justinian, and a great-granddaughter of Hypatius.[49] The Apion recorded in an imperial constitution of 539 as *vir spectabilis et advocatus fisci*, that is, during the consulship of Apion III, cannot be directly identified with the family, but was perhaps a child of Flavius Apion II's son Heraklides, an identification which would make sense papponymically.[50] In addition to a daughter, named Praeiecta after her imperial grandmother, Apion III fathered a son, whom, entirely predictably, he named Strategius (IV). Apion III may also have had another son, who seems to have predeceased his father (see below). Apion III died *c.* 577–9.[51] His heir, Flavius Strategius IV, held patrician rank before he too passed away, an event which can only be dated to within the broad range of the period from 579 to 587. His wife would seem to have outlived him.[52]

[46] For Fl. Strategius III see *PLRE* II: 1034–6, Fl. Strategius 9, and *PLRE* III: Strategius. In the latter, Martindale cites a late and unreliable source that nevertheless records some factual information – the *Narratio de Aedificatione Sanctae Sophiae* – which describes Strategius III as Justinian's 'spiritual brother' (πνευματικός ἀδελφός). For a controversial interpretation of this see Boswell 1995: 229. I am indebted to Cyril Mango for discussion of the *Narratio*. For the meeting of Chalcedonian and anti-Chalcedonian Churchmen, see Brock 1981: 87–121.

[47] He would appear to have been only ten or eleven years old when appointed *consul* – see Beauchamp 2001: 165–78.

[48] *PLRE* III: 96–8, Apion 3.

[49] See the convincing argument proposed by Beauchamp 2001: 165–78. In the light of this, the genealogical table proposed by Alan Cameron (who provides the link to Hypatius) needs to be amended – see Alan Cameron 1978: 274. On this model, Praeiecta, the mother of Apion's wife, married John, a grandson of Hypatius (via Hypatius' son, Pompeius) in the mid-to-late 540s. She was a daughter of Justinian's sister – Vigilantia – and sister to the future Emperor Justin II.

[50] *PLRE* III: 96, Apion 2. [51] Mazza 2001: 64. [52] Gascou 1985: 68.

At this point the genealogy becomes extremely difficult to reconstruct. Essentially, the papyri point in two directions. The most straightforward reading of the evidence is that Strategius IV left behind him two sons named Apion (IV – presumably the first-born) and George. The alternative is that Apion IV and George were in fact the sons of Strategius IV's sister Praeiecta.[53] The basis for the latter claim is a recent hypothesis that the Strategius IV of the Apion papyri is to be identified with a Flavius Strategius recorded in the papyri from the region of the city of Arsinoe (where, as we have seen, Apion III had connections), who died at some point between 578 and 584 (that is to say, at roughly the same time as Strategius IV) and whose heirs are recorded to have been his widow, Flavia Theophania, and their daughters.[54] Yet, as Mazza, a supporter of the hypothesis acknowledges, the identification of the Arsinoite Flavius Strategius with Strategius IV is far from certain.[55] One might reasonably ask, for example, why, if Apion IV was born of Praeiecta and a non-Apion father, he took the name of his maternal grandfather rather than his paternal one, as would have been common though not uniform practice at the time (although note the counter-example of Strategius I above)?[56] Until more conclusive evidence is forthcoming, caution is to be advised.

A further complication concerning the prosopography of the Flavii Apiones in the late sixth century concerns a letter that survives concerning the family – *P.Oxy*. XVI 1829 – which, although undated, would appear to refer to the testamentary provisions made in the wake of the death of Apion III. The *verso* to the letter is addressed to 'Flavius Strategius, the most renowned, most excellent, and all-honoured' (*endoxotatos kai hyperphuestatos kai paneuphemos*). The letter is divided, however, into two parts. The first part is clearly addressed to the son of the deceased and refers to the son's sister.[57] The second part is addressed to a second person, in relation to whom the deceased is described as *penethros* or 'father-in-law'.[58] Owing to the grammatical gender of the terms of address used in the second part of the document, the addressee has generally been regarded as a daughter-in-law of Apion III, perhaps the widow of a deceased son. The document also makes mention of a woman by the name of Theognosia, who need not necessarily have been related to the Apion family.[59] On this interpretation, *P.Oxy*. XVI 1829 should be read as addressed primarily to

[53] See the discussion in Mazza 2001: 64–8.
[54] Ibid. 67. The original proponent of the hypothesis is G. Fantoni, editor of *CPR* XIV.
[55] Mazza 2001: 67–8.
[56] Unless Praeiecta's father-in-law was also called Apion – which, *a priori*, seems highly unlikely.
[57] *P.Oxy*. XVI 1829 *verso*, lines 3 and 10.
[58] Ibid. line 13.
[59] *PLRE* III: 1304 Theognosia.

Strategius IV. The sister referred to in the first part of the document is probably Praeiecta. The addressee in the second part is either an unknown daughter-in-law of Apion III whose husband had predeceased the head of the family, or Strategius IV's wife.

Scholars have inevitably disagreed about the precise details of the prosopography recorded in *P.Oxy*. XVI 1829: that described above, for example, differs in certain respects to that proposed by the original editors. Yet most have concurred that the letter primarily concerns Apion III's son Strategius IV and a daughter-in-law. By contrast, a radically different interpretation of *P.Oxy*. XVI 1829 has recently been suggested, whereby rather than a daughter-in-law, the second part of the letter concerns a son-in-law, a supposed husband of Praeiecta who is identified as the 'Strategius *paneuphemos*' of the letter's address.[60] The strongest grounds for this challenge to the more 'traditional' approach (as presented above with some modifications) to *P.Oxy*. XVI 1829 is that the grammatical gender of the terms of address used in the second part of the document need not necessarily suggest a female addressee. The word 'highness' used in the letter (*hyperoche*), for example, was commonly used of high-ranking men. The weakest part of the argument is the claim that such terms of address were *only* used of men.[61] As Beauchamp has recently demonstrated, such was not the case.[62] Combined with Beauchamp's other well-founded criticisms of the 'Strategius Paneuphemos' hypothesis, caution is, yet again, advisable.[63]

Ultimately, such issues alter very little of one's overall sense of the history of the family. Apion III's grandson George was honorary consul in 586/7, but was dead by 590.[64] His brother, Apion IV, as well as being an honorary *consul* and *patricius*, acted as pagarch for the region around Oxyrhynchus, a position which the head of the family would apparently have exercised almost by right of birth.[65] Of particular interest is Apion IV's betrothal to Eusebia, daughter of Rusticiana, a Sicilian landowner resident in Constantinople, recorded to have been a correspondent of Pope Gregory the Great.[66] Rusticiana was, moreover, a granddaughter of the western aristocrat, philosopher, and statesman Boethius. By virtue of this Boethian connection, Apion IV's son, Strategius (V), would have been able to claim consanguinity with the distinguished western aristocratic lineages of the

[60] See Palme 1997: 99–125 and 1998: 95–125. His hypotheses are broadly supported by Mazza 2001: Appendix 1 and 47–74.

[61] Mazza 2001: 66: 'riservabili esclusivamente a un uomo'.

[62] Beauchamp 2001: 176–7.

[63] Ibid. 175–7.

[64] *PLRE* III: 515, Fl. Georgius 10.

[65] *PLRE* III: 98–9, Fl. Apion 4. He was still a pagarch in 612 – see *P.Oxy*. I 139.

[66] On Rusticiana, see Averil Cameron 1979: 222–32. For Eusebia, see Alan Cameron 1978: 269.

Anicii and *Symmachi*. Strategius V was probably born sometime between 594 and 598. No mention is made of him in the currently available sources after 603.[67] His father, however, was certainly still alive in the July of 619, but seems to have been dead by the January of 620.[68] On the basis of the current evidence, Apion IV's death would seem to have coincided with the Persian occupation of Egypt, initiated *c.* 616 and complete by 620.[69]

Irrespective of the complexities of detail, the broad outline of the history of the Flavii Apiones is highly significant. From a background in provincial imperial service, members of the family emerge in the papyrological record in the fifth century as landowners in the vicinity of the city of Oxyrhynchus, intermarrying with other elements of the provincial aristocracy. In the neighbourhood of the city, they were involved in the administration of imperial estates. In the first half of the sixth century, members of the family can be seen to have combined flourishing careers in Alexandria and Constantinople with the careful nurturing and maintenance of the family's interests and connections in Middle Egypt. In the late sixth century the political status of the family was consolidated by means of prestigious marriage alliances. Amid the chaos of the seventh century, however, the main branch of the family disappears from the historical record (see figure 4).

As noted in the 'Introduction', in his *Secret History* Procopius delineates a distinct social elite within the late antique Eastern Empire consisting of members of the Constantinopolitan senate and those 'reputed to be prosperous . . . after the members of the senate'.[70] The Apion family clearly belonged to this class – they were members of the late-antique imperial aristocracy.[71] Procopius further presents the Emperor Justinian as having been locked in conflict with members of this elite. On one level, the history of the Apion family adds a touch of nuance to this picture: it was arguably under Justin and Justinian that members of the family most obviously prospered, at least in terms of the governmental positions they held. On a more profound level, however, the rise of the Apion family from the fifth century through to the sixth enables us rather better to understand the conflictual model of relations between emperor and aristocrat emergent from Procopius, John Lydus, and the imperial legislation. In order to fully appreciate this, however, we must turn to the testimony of the documentary papyri, and in particular, the Apion papyri. For they, more

[67] *PLRE* III: 1203, Fl. Strategius 8. [68] *P.Oxy.* LVIII 3959.
[69] MacCoull 1986a: 307–13. For the Persian advance of the early seventh century in general, see Howard-Johnston 1999: 1–44.
[70] *Anecdota* 11.40. [71] On which, in general, see Banaji 2001: 134–70.

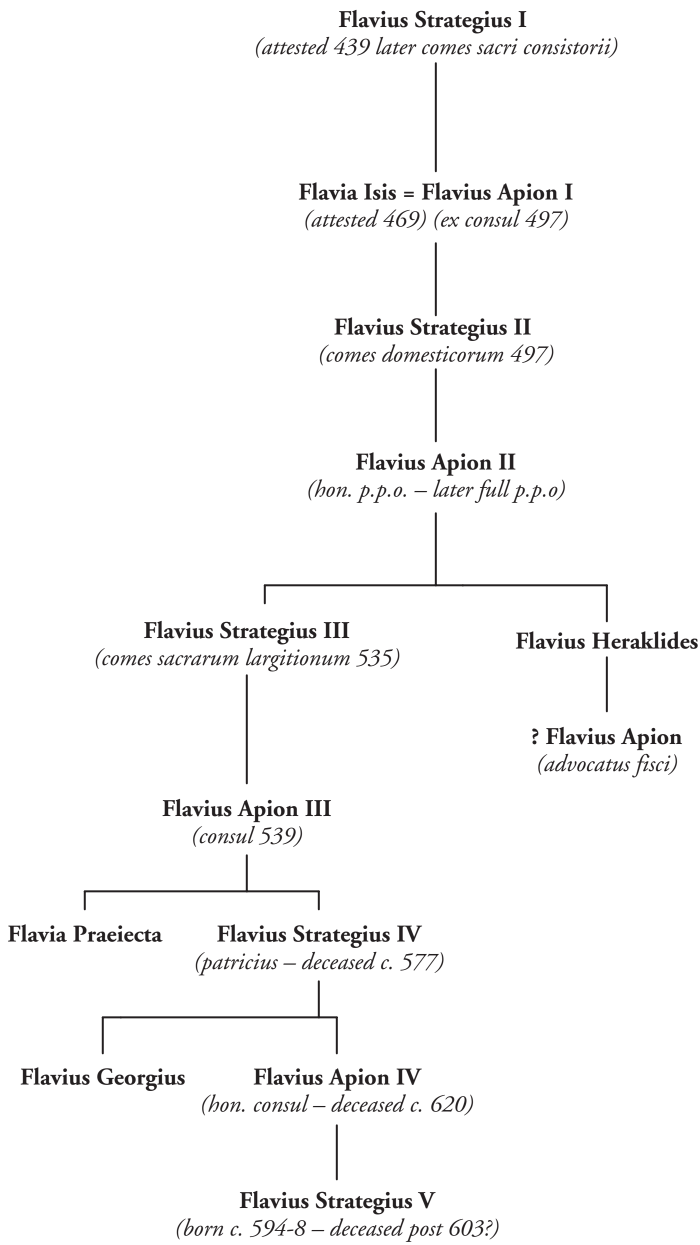


Figure 4 The Apion family

than any other source, convey the full extent of aristocratic dominance of social and economic life in the provinces of the empire in the Justinianic era, a dominance to which we can see the emperor responding through his programme of imperial reform.

THE OXYRHYNCHUS PAPYRI AND THE APION ARCHIVE

On 20 December 1896 two young English classicists, B. P. Grenfell and A. S. Hunt, arrived at the site of the ancient city of Oxyrhynchus, some 120 miles to the south of Cairo 'at the point where an ancient route from the Bahariya Oasis reaches the Nile Valley'.[72] There they were met by the distinguished Egyptologist Flinders Petrie, who had recently completed a preliminary survey of the site.[73] As Grenfell wrote in his report:

> I had for some time felt that one of the most promising sites in Egypt for finding Greek manuscripts was the city of Oxyrhynchus, the modern Behneseh. Being the capital of the Nome, it must have been the abode of many rich persons who could afford to possess a library of literary texts and . . . neither town nor cemetery appeared to have been plundered for antiquities in recent times. Above all, Oxyrhynchus seemed to be a site where fragments of Christian literature might be expected of a date earlier than the fourth century, to which our oldest manuscripts of the New Testament belong; for the place was renowned in the fourth and fifth centuries on account of its number of churches and monasteries.[74]

Grenfell and Hunt were essentially engaged on a salvage mission funded by the London-based 'Egypt Exploration Fund'. It had long been known that the sands of Egypt had preserved vast numbers of Greek texts written on papyrus dating from the Hellenistic and Roman periods. These papyri had generally been treated by educated visitors as curios and souvenirs. The expansion of Egyptian agriculture in the 1880s, however, threatened the continued existence of many of the sites where papyrological finds were most plentiful – the locals, quite understandably, regarding the papyri as a convenient source of mulch.[75] In response, a series of increasingly concerted efforts began to be made by western scholars to excavate and preserve the papyri, above all, as Grenfell's comments reveal, those pertaining to Greek literature and the New Testament.

In spite of Grenfell's initial optimism, the excavation of Oxyrhynchus had an inauspicious start. The Roman cemetery that Flinders Petrie had

[72] Bagnall and Rathbone 2004: 158. [73] Grenfell 1897: 1.
[74] Ibid. [75] See Turner 1982: 161–78.

identified yielded little. The only reason, it turned out, why the site had not been looted by treasure hunters in recent years was that there was nothing left to loot. The standing remains of the city were pitiful – the *fellahin* of the abutting village had stripped the houses of their very stonework. At other sites, the floor space of such houses had proved a fruitful source of papyri. Not so at Oxyrhynchus. As if to make matters worse, the visitors even found themselves raided by the local Bedouin.

Grenfell and Hunt were forced to turn their attention to the rubbish mounds that surrounded the site, which proved to be, as Grenfell commented pithily 'nothing but rubbish mounds'.[76] Nevertheless, it transpired that these mounds contained vast numbers of papyri. Although most were 'hopelessly fragmentary or defaced', Grenfell noted in his report, 'the total find of papyri was so enormous that even the small residue of valuable ones forms a collection not only larger than any one site has hitherto produced, but probably equal to any existing collection of Greek papyri'.[77] In particular, large numbers of papyri were unearthed dating from the sixth and seventh centuries:

> By far the greatest find, that of the Byzantine archives, took place on March 18th and 19th, and was, I suppose, a 'record' in point of quantity. On the first of these two days we came upon a mound which had a thick layer consisting almost entirely of papyrus rolls. There was room for six pairs of men and boys to be working simultaneously at this storehouse, and the difficulty was to find enough baskets in all Behneseh to contain the papyri. At the end of the day's work no less than thirty-six good sized baskets were brought in from this place, several of them stuffed with fine rolls three to ten feet long, including some of the largest Greek rolls I have ever seen.[78]

Within eleven months the first volume of the 'Oxyrhynchus Papyri' appeared in print, its contents chosen 'to illustrate the scope and variety of the collection'.[79] The published texts revealed that amongst the vast numbers of sixth- and seventh-century papyri excavated in 1896–7 were documents belonging to the private archive of the Apion family, detailing the administration of the family's estates in the vicinity of Oxyrhynchus. The volume included letters exchanged between the Apion family's estate managers, contracts detailing the terms on which the estate labour force was employed, estate accounts and receipts for seed-corn and irrigational machinery issued by the household to local peasants.[80] Since that date,

76 Grenfell 1897: 3. 77 Ibid. 78 Ibid. 8. 79 *P.Oxy*. I: page v.
80 See, for example, *P.Oxy*. I 158, 135, 136, 154, 133, and 137.

many more documents belonging to the Apion archive have been published and continue to be published almost annually.[81]

The Apion archive is of inestimable value. The papyri provide illuminating insights into the day-to-day realities of life in what was, economically, the most important, productive, and highly developed region of the entire Eastern Empire. Crucially, the documents also reveal the extent and character of the economic resources that underpinned the social authority and political role of members of the late-antique imperial aristocracy.

Interpreting the Apion papyri, however, presents enormous challenges, in many ways comparable to those faced by historians of late-antique literary texts. In recent years, historians have become ever more alert to the complexity of the problems posed by reading ancient and medieval sources. This awareness has been particularly apparent with regard to historical writings, of which late antiquity has bequeathed many. The historian, we have learned, must be constantly aware of the limitations placed on the scope of such texts by the generic demands of the traditions in which late-antique authors operated.[82] A similar sensitivity is required when handling documentary sources. For the thematic concentration, quality of description and, crucially, the terminological form of late-antique documentation varied enormously between private but actionable legal contracts, personal correspondence, estate accounts, and petitions. The expectations and concerns of the historian must alter as he moves from one form of document to another.

It is for this reason that, whilst it is tempting to draw upon the Apion archive to piece together a synthetic overview of life on the family's estates as a whole, this temptation must be avoided. In order to appreciate the full significance of the testimony provided by the sources, the material must be examined type by type. Such an approach has the further advantage of conveying to the reader the ambiguities and limitations of the primary evidence itself. For although the Apion archive is extensive, its contents are nevertheless highly fragmentary. Approaching the Apion papyri typologically prevents the historian from eliding the difficulties posed by the sources. It also enables the reader to appreciate what is hypothesis, what is guesswork, and what is actually there.

[81] Between 1898 and 2004 over 260 items belonging to the Apion Oxyrhynchite archive were edited and published. See the checklist of Apion papyri in Mazza 2001: 20–38, to which should be added *P.Mert*. II 96 and 98 and *P. CtYber Inv*. 4357. This would bring to a total of 255 the number of 'documentazione ossirinchite, prodotta e/o conservata dagli uffici della sede amministrativa centrale della tenuta, situata nelle capitale del *nomos*' (Mazza 2001: 18). Two further unpublished papyri (Texts I and II) are referred to in Hickey 2001.

[82] See Averil Cameron 1985 and Whitby 1988: 3–51 and 311–58.

Accordingly, the four chapters that follow proceed on the basis of a typological study of the major documentary components of the Apion archive, dealing in turn with estate accounts (chapter two), contracts (chapter three), letters and petitions (chapter four), and documents of a more fiscal character (chapter five). The aim is to reconstruct on the basis of each a picture of the structure of the Apion estates as a social and economic institution. A clear set of criteria are applied in order to attempt to define what documents may be regarded as belonging to the Apion collection. Documents are classified as constituting part of the Apion archive if they make explicit mention of the Apion household, refer to members of the family, or involve individuals or locations attested in other papyri to have belonged to the estate. In so far as possible, the meanings of individual words are elucidated primarily on the basis of the context in which they are deployed within the Apion papyri. By applying a strictly minimalist set of criteria to define the archive, we may be reasonably confident that the impression derived of the Apion estates from the papyri is not confused through an admixture of sources relating to the estates of other families.

The methodology adopted herein thus might be summarised as being that of sticking as closely as possible to the sources, and, terminologically, of considering Apion matters as specifically Apion.[83] At the same time, rather than attempting to provide a total picture of life on the Apion estates in all its complexity, the Apion archive is examined solely with a view to delineating certain key features of the estate that are central to our understanding of its social and economic character. Accordingly, relatively little attention will be paid to what might be termed the 'technical mode of production' on the Apion estates – the practical basics of cultivation and production in a physical sense.[84] Rather, the main concern will be the social and economic modes of production. The estate accounts, for example, are examined primarily with a view to assessing the structure of the family's landholdings and the uses to which the estate labour force was put. On the basis of the contractual papyri, an attempt will be made to ascertain with somewhat greater clarity the terms on which the Apion workforce and its supervisory staff were employed. The letters that survive from the archive will be examined with a view to reconstructing the administrative regime of the household,

[83] As such, I subscribe to the methodology set out by Lemerle when he wrote of how one should 'hold fast to the two principles which must serve as guides in a field as new, despite appearances, perhaps, and as incompletely explored as the agrarian history of Byzantium: to stick as closely as possible to the sources, which for the most part still need to be properly edited or properly interpreted; to consider Byzantine matters as specifically Byzantine, with the terminology proper to them. Only thereafter can comparative studies be undertaken in safety'; Lemerle 1979: viii.

[84] For which see Bagnall 1993 and Schnebel 1925.

whilst the fiscal documents will serve as the basis for discussion of the comparative scale of the family's properties in the vicinity of Oxyrhynchus. An attempt will then be made (in chapter five) to connect the testimony of the Apion archive to that of the still more fragmentary papyrological collections relating to other aristocratic properties in the Oxyrhynchite and beyond. The central question that chapters two to five seek to address is how the governing elite of the late Roman Eastern Empire, as represented in the Egyptian papyri, structured and valorised the economic resources off which its members lived.

CHAPTER 2

The Apion archive: economic structure and estate accounts

THE ESTATE ACCOUNTS: DEFINITION AND NATURE OF THE DOCUMENTS

By far the most informative of the documents found amongst the Apion papyri are the general estate accounts, or, as the documents most often describe themselves, 'accounts of receipts and of items of expenditure'.[1] Certain of these survive papyrologically in a relatively undamaged form, of which four have been published. Many more documents exist which represent either fragments of such accounts, or accounts relating to the collection and disbursement of a single product, such as wine produced on the family estates.[2] It is from the first body, the relatively undamaged sets of general accounts, that we may derive a concrete sense of the overall structure of the Apion estates in the vicinity of Oxyrhynchus. Between them, the published general accounts describe life on different parts of the Apion family's landholdings over some thirty-four years, from *c.* 556 to 590.[3]

Given the length of time over which these documents were drafted, the Apion general statements of account conform to a strikingly uniform pattern. All four documents represent annual accounts for primarily rural properties drafted by individuals bearing the title of *pronoetes* (προνοητής).[4] In three out of the four cases, the accounts are structured around

[1] See, for example, *P.Oxy.* XIX 2243(a), *verso*, lines 87–8: λόγ(ος) λημμ(άτων) καὶ ἀναλωμ(άτων).

[2] Relatively undamaged accounts (in chronological order): *P.Oxy.* XVI 1911, LV 3804, XVIII 2195, XIX 2243(a). Fragmentary general accounts (in chronological order): *P.Oxy.* XVI 2019, 1913, 1912, XVIII 2204, *PSI* VIII 954. For accounts in wine, money accounts, and accounts of other produce and commodities see (in chronological order) *P.Oxy.* XVI 2032, 1918, *P.Princ.* II 96, *P.Oxy.* XVI 2037, 1915, 2024, 2046, XXVII 2480 (wine), LV 3805, *PSI* III 194, *P.Oxy.* VI 922, *P.Iand.* III 51, *P.Oxy.* XVI 2034, 2029, XVIII 2205, *PSI* VIII 955, 956, *P.Oxy.* XVIII 2197, *P.Col.* VIII 246, *P.Oxy.* XVI 2025, VII 1053, XVI 1917, 1921, *P.Lond.* V 1808. Note also Texts I and II referred to in Hickey 2001.

[3] *P.Oxy.* XVI 1911 dates from 556/7, *P.Oxy.* LV 3804 dates from 565/6, *P.Oxy.* XIX 2243(a) dates from 590, *P.Oxy.* XVIII 2195 probably dates from 562/3 – see Pestman and Rupprecht 1992–8: ix, 194.

[4] See Hardy 1931: 88–93.

settlements described as *epoikia* (ἐποίκια), although, as will be seen shortly, *P.Oxy.* XVIII 2195 differs somewhat in this respect.[5] Each set of accounts typically covers six or seven such localities.[6] The first half of each document lists quantities of produce and payments reckoned in coin collected from individuals and groups resident in each settlement. At the end of each entry, these amounts are added together, and the sum total of receipts from the settlements as a whole is then calculated.[7] The accounts then proceed to list expenditure, beginning with payments of an essentially charitable nature to churches and suchlike associated with the *epoikia*, followed by payments to estate employees.[8]

Next, in addition to further wage payments, we encounter what might be conceived of as capital expenditure – costs associated with the purchase of animals, the maintenance and repair of boats, jars for the vintage, and so on.[9] Finally, the total expenditure is reckoned and subtracted from the aggregate sum of receipts, producing a figure of net revenue for the group of settlements as a whole minus their assigned costs.[10] We are then typically informed of the number of instalments over the course of the year in which this net revenue was paid to the Apion household bureau or office in Oxyrhynchus, and the documents end with either a formulaic statement of completion or a descriptive address.[11] The uniformity of the accounting framework, together with the evidence provided by the documents for the existence of a second tier of household administration set over and above the *pronoetes*, alerts us from the very outset to the centrally supervised and highly formalistic character of Apion estate management.

The existence of this second tier of estate management – an Apion bureau located in Oxyrhynchus – is further illustrated by another feature of the general estate accounts. The *pronoetai* who drafted these documents would appear to have striven to render them as complete and accurate as possible. What we possess are formal, fair copies of the accounts as they were sent to Oxyrhynchus. However, once in Oxyrhynchus, the accounts were often reused as scrap. Thus on the back of *P.Oxy.* LV 3804 one finds various jottings, published as *P.Oxy.* LV 3805, detailing financial transactions throughout the region of Oxyrhynchus, totally unrelated to the contents

[5] The ἐποίκιον appears to have been originally an enclosed and gated complex of farm buildings and accommodation; see Lewuillon-Blume 1979: 177–85. See also Mazza 2001: 79.

[6] Thus *P.Oxy.* LV 3804 covers seven settlements; see the description by J. R. Rea, *P.Oxy.* LV 3804: 96.

[7] Ibid. lines 141–2 for this total sum. [8] Ibid. lines 145–8. [9] Ibid. lines 225–40.

[10] Ibid. lines 270–5.

[11] Ibid. lines 275–81 for description of instalments. For descriptive address, see *P.Oxy.* XIX 2243(a), lines 86–7.

of the accounts themselves.[12] On the assumption that the managers of the Apion estates would have wished to preserve details of estate income and expenditure over time, it must be inferred that the extant estate accounts were reworked and rewritten once in Oxyrhynchus.

THE STRUCTURE OF THE APION LANDHOLDINGS ACCORDING TO THE ESTATE ACCOUNTS

The most extensive and compositionally adept set of Apion estate accounts to have been published is that found on *P.Oxy*. LV 3804. It is concerned with seven *epoikia*: Apele, Pakiak, Kissonos, Trigyu, Lukiu, Tarusebt, and Kotyleiu.[13] The receipt section of the document details the sums contributed by various individuals and groups from each settlement, with the former often being described in terms of parentage and, almost invariably, place of origin.[14] In most cases, the individuals and groups are described as ἀπὸ τοῦ αὐτοῦ κτήματος – 'from the same landholding' – indicating that each *epoikion* was associated with a particular *ktema* (or division of land).[15] On the basis of these entries it is possible to infer at least something of the nature of agricultural activity associated with each *epoikion*. Thus the entry for Apele makes mention of vine-dressers, indicating viticultural activity, whilst no wheat was contributed by the settlement, perhaps indicating relatively little by way of cereal production.[16] The 'community of agricultural labourers and vine-dressers' from the *epoikion* is described as having paid $43\frac{1}{2}$ *solidi* out of a total of just over 130 *solidi* collected from the settlement as a whole. These payments were made with respect to landholdings termed *choria* (χωρία).[17]

Similarly, although vine-dressers are attested, no wheat was contributed by the inhabitants of Pakiak.[18] Payment was also recorded as made for

[12] See also *P.Oxy*. XIX 2243(b), written on the *verso* of 2243(a).

[13] *P.Oxy*. LV 3804 – Apele (lines 1–34), Pakiak (35–47), Kissonos (48–55), Trigyu (56–61), Lukiu (62–101), Tarusebt (102–26), and Kotyleiu (127–40).

[14] See ibid. col. II, lines 15–39. Generally, the parentage is described in terms of patrilineal descent, but this practice is not uniform – see *P.Oxy*. XVIII 2195, line 165.

[15] See *P.Oxy*. LV 3804, col. II – the case with all those listed.

[16] Ibid. line 34.

[17] Ibid. lines 34 and 40. Given the frequency with which the word χωρία is used in relation to vineyards in the Oxyrhynchite sources, it is tempting to presume all such holdings to have been at least in part viticultural in character. See the comments of J. R. Rea – ibid. 124, note 34. This is very much the opinion of Hickey 2001: 77–8. As will be seen in chapter five, however, beyond the Oxyrhynchite the word χωρίον would appear to have come to be synonymous with ἐποίκιον; in relation to both words we are essentially dealing with an enclosed and capitalised agricultural holding of some sort. For the character of the payments see Banaji 2001: 94–5, although note Hickey's slight disagreement.

[18] *P.Oxy*. LV 3804, line 47.

rent or *phoros* (φόρος) due on date palms.[19] Production on the *epoikion* of Pakiak was evidently on a somewhat smaller scale than on Apele, with the vine-dressers of the settlement paying only 13½ *solidi* with respect to their *choria*.[20]

The settlement of Kissonos, once again, was evidently a comparatively minor one, albeit associated with at least some cereal production, its inhabitants contributing 4 *artabas* of wheat and just over 40 *solidi*.[21] Trigyu, on the other hand, was clearly a major centre for cereal production, contributing 262½ *artabas* of wheat and over 131 *solidi*.[22] Thus far the impression is of relatively specialised agricultural units.

The entry for Lukiu, however, provides evidence for a somewhat more diversified agrarian economy. Cereal production was considerable, with the settlement contributing 128½ *artabas* of wheat alongside just over 108 *solidi*.[23] Mention is made of an oil-press, and a payment of *phoros* associated with sheep, indicating pastoral activity.[24] Viticulture is also attested, although the vine-dressers in question contributed only 9 *solidi* by way of rent.[25]

As for the remaining *epoikia*, Tarusebt is recorded to have contributed 158½ *artabas* of wheat and 72 *solidi*, and it combined cereal with viticultural production.[26] The same can be stated of Kotyleiu, where vine-dressers are again mentioned.[27] The land here is described as having included considerable portions watered by means of irrigational machinery.[28] In relation to Kotyleiu and Tarusebt we also encounter a category of land unattested in the other *epoikion* entries, landholdings described as *edaphe* (ἐδάφη).[29] The character of this land becomes apparent when we turn to the expenditure section of the account.

The expenditure section of *P.Oxy*. LV 3804 confirms the diversified picture of production on the Apion family's Oxyrhynchite landholdings emergent from the receipt section: thus it records that wheat was sent to Alexandria, whilst agricultural labourers from Kotyleiu were reimbursed for vineyards that had been turned over to meadow, presumably for fodder for livestock.[30] The primary significance of the expenditure section, however, is that it makes mention of land described as the *autourgia* (αὐτουργία). Many of the costs associated with production on the *autourgia* are recorded

[19] Ibid. line 46. [20] Ibid. line 47. [21] Ibid. lines 48–55.
[22] Ibid. line 67. [23] Ibid. line 94. [24] Ibid. lines 77 and 93b. [25] Ibid. line 101.
[26] Ibid. lines 121 and 104. [27] Ibid. line 135. [28] Ibid. line 132.
[29] Ibid. lines 120, 135, 136. In line 135 they are described as 'of the vine-dressers', indicating that they were not necessarily arable in character.
[30] Ibid. lines 149–50 and line 162.

in the expenditure section of the document. These costs were met from the revenues derived from the *epoikia*. The account makes no mention of the produce or revenues derived from the *autourgia*, however, which were presumably detailed in a separate document. *P.Oxy*. LV 3804 thus records a clearly articulated bipartite division of land. First we have the *ktemata* and the *choria* on which charges were levied by the Apion household; second, the *autourgia*, the exploitation of which was at least in part supported by the proceeds from these charges. The mainstay of the revenues derived from the *ktemata* and the *choria* seem to have been made up of rent, with the land being farmed out to the inhabitants of the *epoikia*. The *autourgia*, by contrast, would appear to have been directly cultivated and managed, drawing for its needs upon both the human and economic resources of the *epoikion* settlements.[31]

P.Oxy. LV 3804 records that payments were made, for example, to field-guards from an *epoikion* in return for their having guarded hay described as 'of the landowner's *autourgia* of the Southern Boundary' (τῆς γεουχικ(ῆς) αὐτουργίας τῆς Νοτίνης Παρορίου).[32] Aracus beans were purchased 'for the sowing of the landowner's *arouras*' (εἰς κατασπορ(ὰν) τῶν γεουχικ(ῶν) ἀρουρ(ῶν)).[33] Likewise, the document attests the purchase of two oxen, two bulls, two heifers, and one she-goat 'for use in watering the landowner's *autourgia* (called) 'Outside the Gate' (εἰς χρείαν τῆς ἀρδείας τῆς γεουχικ(ῆς) αὐτουργί(ας) Ἔξω τῆς Πύλης).[34]

It is perhaps significant that it is primarily in relation to the *autourgia* that we find mention of the *edaphe*, implying that *edaphos* (ἔδαφος) was the standard term for a subdivision of directly managed land. For example, we find six sets of *edaphe* described 'in the *autourgia* within the right of the *ktema* of Tarusebt' (ἐν αὐτουργί(ᾳ) δικαίου κτήμα(τος) Ταρουσὲβτ).[35] The same *edaphe* appear in relation to the *autourgia* in *P.Oxy*. XVI 1911.[36] The *edaphe* recorded in relation to the *epoikion* entries for Kotyleiu and Tarusebt may have represented landholdings transferred to the *ktemata* of these settlements from their respective *autourgiai* in response to a shortage of land on the former.[37]

Although the estate accounts do not provide detailed information about the scale of production on the *autourgia*, the general impression given by

[31] Obviously, not all the ktematic payments were rental – some were evidently fiscal, such as that recorded in line 30: ὑπὲρ συντελ(είας) κεφαλ(ῆς).

[32] *P.Oxy*. LV 3804, lines 241–2. [33] Ibid. line 245. [34] Ibid. line 268.

[35] Ibid. lines 196–204. [36] *P.Oxy*. XVI 1911, lines 107–39.

[37] Thus the (presumably) portion of the *edaphos* of Pheltanbel for which payment was received in *P.Oxy*. LV 3804, line 120 was worked by different people from those described as working the same *edaphos* in the expenditure section – ibid. line 199.

the sources is that it was extensive, and it is likely to have furnished a much higher proportion of Apion family income than the sums derived from the *epoikia*. This is based on two facts emergent from *P.Oxy*. LV 3804. First, the net cash revenue derived from the *epoikia*, once the assigned costs were deducted, was extremely modest: just over 480 *solidi* for the entire year.[38] Second, the revenue in kind collected from the *epoikia* in *P.Oxy*. LV 3804 is recorded to have matched expenditure exactly.[39] This would suggest that the *autourgia* and not the *ktema* represented the main source of surplus production on the Apion estates.[40] The picture emergent from *P.Oxy*. LV 3804 is generally confirmed by *P.Oxy*. XVI 1911, a set of accounts largely concerned with the same properties written some nine years earlier.[41]

Further evidence for the Apion *autourgia* emerges from the fragmentary estate accounts found on *P.Oxy*. XVI 1913, which preserve remnants of the expenditure section of a set of accounts dating from *c*. 555.[42] The great value of this document lies in the fact that it records intriguing information concerning the '*autourgia* Outside the Gate' (αὐτουργία Ἔξω τῆς Πύλης), such as the payments recorded 'to the land-labourers Outside the Gate' (τοῖς γεωρ(γοῖς) Ἔξω τῆς Πύλης) in return for their having worked the directly managed portion of the estate (or the estate 'in-hand' as it will be referred to hereafter).[43] The account makes mention on several occasions of the *autourgia*'s orchards or gardens, on which grapes were harvested.[44] The cultivation of *lachana* or 'greens' on mechanically irrigated plots located on the *autourgia* is also attested, their seeds probably pressed for oil on the 'landowner's oil-press of the *ktema* of the Great Boundary' (γεουχικὸν ἐλαιουργῖον τοῦ κτήμ(ατος) Μεγάλης Παρορίου) recorded in the document.[45] Whilst the social character of production on the *autourgia* may have differed from that found on the *ktema*, the agricultural and semi-industrial activities engaged in were essentially similar.

The impression of the structure of the Apion estates derived from *P.Oxy*. LV 3804 and XVI 1911, is both complemented and complicated by the testimony of the two remaining sets of relatively complete general accounts. *P.Oxy*. XVIII 2195 is concerned with seven *epoikia* which emerge as considerably more arable in character than those encountered above. In terms of

[38] *P.Oxy*. LV 3804, lines 276–80. [39] Ibid. lines 270–3.

[40] Hardy 1931: 100 takes the small net revenue in kind typically derived from the ἐποίκια as evidence that the Apion family had a marked preference for income in coin; such an analysis, however, ignores the subsidiary and essentially marginal character of the ktematic revenues as against those of the αὐτουργία.

[41] For the first two columns of *P.Oxy*. XVI 1911 see Mazza 1998: 163–5. See discussion below, pp. 46–7.

[42] *P.Oxy*. XVI 1913. [43] Ibid. line 1. [44] Ibid. lines 6, 16, and 49–50.

[45] Ibid. lines 15, 16, and 66–7. For *lachana* see Bagnall 1993: 26 and 30 and Schnebel 1925: 210. Both the classical and modern uses of the word suggest an oleaginous spinach-like green vegetable.

secondary activity, the *epoikion* of Tillo is recorded to have been a centre of bread production, as is that of Nekonthis, where oil-milling was also a feature of life.[46] The *epoikion* 'near Talao' was home to at least some garden-farming.[47] Arable activity and bread production are both recorded for the *epoikion* of Eroto.[48] The evidence for semi-industrial activities on the Apion *epoikia* alerts us to the highly capitalised nature of production on the family's estates.

The final set of general accounts to have been published is *P.Oxy*. XIX 2243(a) dating from 590. The document conforms to the same overall accounting framework as *P.Oxy*. LV 3804 and XVI 1911. In one key respect XIX 2243(a) differs from the others, however, in that it is primarily structured not around *epoikia* but, rather, village properties or *komai* (κωμαί).[49] Thus it details Apion interests 'in the village (*kome*) of Senokomis' (ἐν κώμῃ Σενοκώμεως), 'from the property purchased in the village of Herakleion' (απὸ ἀγορασί(ας) Ἡρακλ[είο]υ κώμης), and 'in the village of Tampemu' (ἐν κώμῃ Ταμπέμ[ου]).[50] The Herakleion entry establishes that certain at least of the properties owned by the Apion family had been purchased by it, presumably relatively recently. One should also note the entry for payments received 'in the Southern Boundary' (ἐν Νοτινῇ Παρορίου), a location which presumably is to be associated with the *autourgia* of the same name recorded in *P.Oxy*. LV 3804.[51] This entry details sums in coin collected from a number of individuals originating from various Apion-owned *epoikia*, but apparently resident, albeit perhaps only briefly, either on the *autourgia* or its associated *epoikion*, a point that will be returned to shortly.[52]

The inhabitants of the Apion properties in the village of Senekomis, all of whom are described as 'from the same village' (απὸ τῆς αὐτῆς κώμης), made contributions entirely in the form of coin, as did those of the village of Herakleion.[53] The *epoikion* of Pesta, on the other hand, which is also included in the account, contributed both wheat and coin and was a centre for milling, the production of tow, and pig rearing.[54] Similarly, the Apion properties in the village of Tampemu furnished both wheat and coin and were associated with viticulture and garden-farming.[55] The revenues collected from the village properties would not therefore appear to have differed qualitatively from those derived from the estate *epoikia*.

[46] *P.Oxy*. XVIII 2195, line 16, line 35, and line 33.
[47] Ibid. line 51 mentions a 'garden-farmer' (πωμαρίτης).
[48] Ibid. lines 63 and 71. [49] See Mazza 2001: 78–9. [50] *P.Oxy*. XIX 2243(a), lines 4, 11.
[51] Ibid. line 30 and *P.Oxy*. LV 3804, lines 241, 245, 247, 252.
[52] *P.Oxy*. XIX 2243(a), lines 31–4. [53] Ibid. lines 1–20. [54] Ibid. lines 20–9.
[55] Ibid. lines 36–58.

The Apion estate accounts thus convey a strong sense of the overall structure of the family's agrarian holdings around Oxyrhynchus in the sixth century. The Apion family owned a number of settlements termed *epoikia*, the lands around which (the *ktemata* and *choria*), along with capital resources such as oil-mills, were farmed out to the inhabitants of the settlements in return for payments in both cash and crop. The mainstay of the activity associated with these holdings consisted of cereal and viticultural production, with garden-farming, the harvesting and milling of oleaginous vegetables, and animal husbandry also featuring prominently. Certain of the *epoikia* apparently specialised in particular activities, and the development of the resources of the settlements was carefully and tactically managed. As well as these *epoikion* settlements, the Apiones possessed property within larger villages or *komai*, where we may assume the family to have owned land alongside other substantial landowners, and areas of land apparently farmed 'in-hand', or directly managed. The investments required to maintain and expand this 'in-hand', or *autourgia*, were at least in part provided from the revenues derived from the *epoikia* and village properties.

THE APION WORKFORCE ACCORDING TO THE ESTATE ACCOUNTS

The estate accounts also furnish vital clues as to the character of the workforce employed on the family's properties. Once again, *P.Oxy*. LV 3804, dating from 566, preserves amongst the clearest details. The receipt section of the document, as already noted, was constructed around entries for individual *epoikia*, each listing the names and origins of the individuals and groups from whom cash and/or crop had been collected. Thus almost every single individual listed with respect to the *epoikion* of Apele is recorded to have originated there.[56] The payments themselves tend to be recorded in one of four forms:

(a) payments made by one or two named individuals, paying sums either owed by themselves or under the name of another – such as 'from Poulis through John from the same (division of land)' (π(αρὰ) Πουλῖτος δι(ὰ) Ἰωάννου ἀπὸ τοῦ αὐτοῦ);[57]

[56] A possible exception is found in *P.Oxy*. LV 3804, line 23, which records a certain Paulus whose place of origin is not provided.

[57] Ibid. line 22.

(b) payments made by the heir or heirs of a named party, for example 'from the heirs of Leonides from the same (division of land)' (π(αρὰ) κληρ(ονόμων) Λεωνίδου ἀπὸ τοῦ αὐτοῦ);[58]

(c) payments made by named individuals, or the heirs of individuals, along with those described as their associates – 'from the heirs of Theodorus and his partners' (π(αρὰ) κληρ(ονόμων) Θεοδώρου καὶ κοιν(ωνῶν));[59]

(d) payments made by unnamed groups such as 'by the collective of land-labourers', or 'the collective of vine-dressers', or simply 'the collective of those from the holding' (π(αρὰ) τοῦ κοιν(οῦ) τῶν ἀπὸ τοῦ κτήμ(ατος)).[60]

The information provided concerning the character of the payments made to the Apion household varies according to the formula used. In those instances when named individuals, pairs, named groups, or the heirs of a named party, are recorded to have made a contribution, the purpose of the payment is generally left unstated, although that these payments were primarily rental seems inherently plausible. Certainly, on the rare occasions when such payments are explained, they tend to be for the rent or *phoros* (φόρος) of a capital item such as an oil-press, or for the charges associated with plots of irrigated land.[61]

In most instances, however, when the collective or *koinon* (κοινόν) is mentioned, the reason for the payment is explicitly recorded, be it for poll-tax, the rent of a dovecote, rent on vineyards, or charges associated, once more, with plots of mechanically irrigated land.[62] That is to say, the estate accounts distinguish between individual payments for which named individuals were liable, and collective payments for collective charges such as the fiscal imposts incumbent on the community, and the rents due on presumably commonly enjoyed amenities and commonly held land. The different categories of entry were meant to distinguish between different types of impost, rather than different types of resident. Thus the 'collective of land-labourers and vine-dressers' (κοινὸν τῶν γεωργῶν καὶ ἀμπελουργῶν) within a given settlement was made up of all those individuals and groups listed separately in the same *epoikion* entry. The rights to the individually allocated plots worked by members of the *koinon* apparently would have been in some sense inheritable, hence the mention of heirs. The initial impression is of a geographically relatively immobile body of tenant farmers.

[58] Ibid. line 26. [59] Ibid. line 27. [60] Ibid. lines 34 and 30–1. [61] Ibid. lines 77 and 132.

[62] See ibid. lines 30, 31, 34, 133, 125. That συντελ(είας) κεφαλ(ῆς) should be taken to mean poll-tax – *tributum capitis* – is suggested in chapter seven. See the comments of Rea, ibid. 124, note 30.

This impression is substantially altered, however, by the entry for the *epoikion* of Lukiu: the Lukiu receipt account records that payment had been made by individuals who were expressly described as having originated from other Apion-owned *epoikia*. Thus it records payment received 'from Joseph son of Peter and Anouthius son of Theodorus and Abraham from Apele' (π(αρὰ) Ἰωσὴφ Πέτρου καὶ Ἀνουθίου Θεοδώρου καὶ Ἀβρααμίου ἀπὸ Ἀπελῆ).[63] The fact that the *epoikion* mentioned belonged to the Apion family would suggest a deliberate policy of labour transfer between estate properties.[64] A similar pattern emerges with respect to the *epoikion* of Tarusebt.[65]

But why was labour transferred from one *epoikion* to another? A clue is provided by column IX of the expenditure section of *P.Oxy*. LV 3804, which, as already seen, lists various *edaphe* 'in the *autourgia* within the right of the *ktema* of Tarousebt' (καὶ ἐν αὐτουργίᾳ δικαίου τοῦ κτήμα(τος) Ταρουσὲβτ). This heading is followed by the names of those engaged in their cultivation.[66] Thus the *edaphos* of Pheltanbel is recorded to have been cultivated by Phileas son of Psaeias from Lukiu, just as that of Schorda was 'cultivated by those from the *epoikion* of Lukiu' (γεωργουμέ(νον) δι(ὰ) τῶν ἀπὸ ἐποικ(ίου) Λουκίου).[67] That is to say, the *autourgia* was worked by labourers drawn from the Apion *epoikia*. It is likely to have been primarily the labour requirements of the *autourgia* that dictated the character and extent of labour transfers between the Apion-owned settlements, just as, as has been seen, it was the *autourgia* that is likely to have furnished the mainstay of the Apion family's private income.

Rather than being tenant farmers pure and simple, the working inhabitants of the *epoikia* emerge, on the basis of the expenditure section of *P.Oxy*. LV 3804, as labourers primarily employed for the purpose of cultivating the *autourgia*. In return for this labour they were granted rental access to the land and amenities associated with their *ktema* – what may be termed a 'wage in land'.[68] They would also appear to have received a wage reckoned in coin.[69]

[63] Ibid. line 84.

[64] The locations mentioned in the Lukiu entry are Konkon (line 65 – see *P.Oxy*. XVI 1911, line 113), Apele (line 84 – see *P.Oxy*. XVI 2032, lines 81–2), and Pekty (line 85 – see *P.Oxy*. XVI 1932, line 7).

[65] Ibid. lines 116 (Apele) and 123 (Lukiu).

[66] Ibid. line 196.

[67] Ibid. lines 198 and 197.

[68] I owe this phrase to Faith 1997: 69. One should also note her comments on *allotissements* granted to slaves and freedmen in return for labour on the manorial 'inland' in late Saxon and Norman England, which may provide one with an analogy for the Apion κτῆμα: 'Slaves and freedmen were provided with holdings which, like the "allotments" of the post-enclosure village, were of a size well calculated to prevent them becoming self-sufficient' (70).

[69] *P.Oxy*. LV 3804, lines 196–204. The account is not entirely clear – in return for what seems to be labour on the *autourgia*, labourers from individual Apion *epoikia* appear to be 'conceded' a monetary

This picture is confirmed by the other general estate accounts. *P.Oxy*. XVI 1911 differs from *P.Oxy*. LV 3804 only in that in 556–7, unlike in 566, a considerable proportion of the population of Apele originated from other Apion-owned *epoikia*, thereby further establishing the centrally directed character of the workforce.[70] Similarly, the receipt account found on *P.Oxy*. XIX 2243(a) relating to the *autourgia* of the Southern Boundary, records four sets of cash payments to have been made to the household by groups and individuals originating from a number of Apion properties.[71] Quite what was being paid for in this instance is unclear – perhaps lodgings on the estate 'in-hand'. Certainly, all the payments are reckoned monetarily. The entry provides further evidence that the *autourgia* was worked by the directed labour force of the *epoikia*.

Of the more fragmentary sets of composite accounts, by far the most significant from the point of view of our understanding of the Apion workforce is *P.Oxy*. XVI 1913 dating from *c*. 555. The section of this account relating to the *autourgia* Outside the Gate records that a group of agricultural workers were obliged to work a section of the *autourgia*, irrigating it themselves with the aid of their own oxen, in return for payment in kind and access to a piece of land.[72] The manager who drafted the document also initially credited these workers with a monetary sum ($5\frac{3}{4}$ *solidi*) which he then deleted. We should also note the other workers associated with the *autourgia*: rivermen,[73] field-guards,[74] a copper-smith,[75] a potter,[76] stable-grooms,[77] a baker,[78] oil-workers,[79] and lastly an employee described as a *paidarion* (παιδάριον) rewarded for looking after estate fowl.[80]

Groups of *paidaria* appear in a number of instances in the Apion archive. In *P.Oxy*. XVI 1921 we possess a record of expenses paid to a *paidarion* for carrying letters to the Arsinoite;[81] *paidaria* are also mentioned in *P.Oxy*. XIX 2244, on *PSI* VIII 953, and *P.Princ*. II 96.[82] In the document published with *P.Oxy*. XIX 2244, the *paidaria* included a female cook and a former

sum, and some land. Alternatively, we may be being informed of the wage received by them for the amount of land they had worked.

70 *P.Oxy*. XVI 1911. See lines 50–2 for examples. Apele is detailed (although admittedly only in part) in lines 1–34 of *P.Oxy*. LV 3804.

71 *P.Oxy*. XIX 2243(a), lines 31–3.

72 *P.Oxy*. XVI 1913, lines 1–5.

73 Ibid. lines 7–9.

74 Ibid. line 16.

75 Ibid. line 19.

76 Ibid. line 21.

77 Ibid. line 10.

78 Ibid. line 59.

79 Ibid. line 62.

80 Ibid. line 28.

81 *P.Oxy*. XVI 1921, line 1.

82 *P.Oxy*. XIX 2244 – fragment published before the main document. The original editors transcribed the first line of this text as (ὑπὲρ) [λόγ(ου)] ὀψωνίου τῶν τ[α]πιδαρ(ίων) with the tau, pi, and iota of the final word dotted to indicate uncertainty. παιδαρ(ίων) or a version thereof seems a more plausible reading. *PSI* VIII 953 records the expenditure of a wine steward (οἰνοχεριστής) including payments made to παιδάρια (see line 17), whilst *P.Princ*. II 96 is headed Βρέ(ουιον) ὀψων(ίων) παιδαρ(ίων) Αἰγυπτ(ίων) καὶ ἄλλ(ων) (line 1).

storekeeper or *meizon* (μείζων).[83] In both *PSI* VIII 953 and *P.Princ*. II 96 the *paidaria* formed family units. In the former, payment is made 'to the Gothic *paidaria* and their women', whilst in the latter, concerned with Egyptian *paidaria*, it is possible to identify blood ties between the individuals listed.[84] The *paidaria* lived, and were perhaps employed, in family units, consisting of individuals of both Egyptian and non-Egyptian origin, and were deployed by the Apion household in a service capacity and on the *autourgia*. At no point are they recorded within the estate *epoikia* or on the *ktemata*. This of itself would suggest that they represented a labour force resident on the in-hand. Whilst the Apion papyri do not enable us to identify the precise juridical status of such workers, that they were slaves is strongly suggested by *P.Oxy*. LVIII 3960. This document consists of an account of income and expenditure in wine. Amongst the disbursements overseen by the estate wine steward or *oinocheristes* (οἰνοχεριστής), we find payments made in turn 'to the free attendants' (τοῖς παραμοναρ(ίοις) ἐλευθέρ(οις)) and 'to the Egyptian *paidaria*' (τοῖς πα[ιδαρ(ίοις) Αἰγ]υπτί(οις)).[85] The natural inference is that the *paidaria* were of an unfree, servile condition.[86]

P.Oxy. LVIII 3960 is of significance for an understanding of the workings of the Apion estates for a second reason. As noted earlier, the estate accounts record that the Apion household collected revenues in wheat and coin from the *epoikia*, yet the receipt entries also attest the presence on the *ktemata* of considerable numbers of vine-dressers, indicating viticultural activity. One might reasonably ask why it is that we find no grapes or wine contributed. *P.Oxy*. LVIII 3960 provides the answer. Although the cash rentals and taxes owed by the vine-dressers were collected by the figure of the *pronoetes*, the estate's share of the wine produced on the *ktemata* was primarily handled by the separate figure of the *oinocheristes* or wine steward.[87] Thus it is the wine steward who drafted *P.Oxy*. LVIII 3960, and he who received the wine from the inhabitants of the *epoikion* of Leo recorded in its first column.[88]

[83] *P.Oxy*. XIX 2244, initial fragment, lines 3 and 6. For the meaning of μείζων, see the epistolary papyri.

[84] *PSI* VIII 953, line 17, *P.Princ*. II 96 – lines 5,8, and 10 for members of a single family.

[85] *P.Oxy*. LVIII 3960, lines 27 and 28.

[86] Ibid., note Rea's comments. On *paidaria* as slaves, see also the remarks of N. Gonis on *P.Oxy*. LXVIII 4683, line 2.

[87] See Hardy 1931: 102–4, 105. Hardy rather quaintly referred to them as 'butlers'. See also Hickey 2001: 126. *P.Oxy*. XXVII 2480 will be returned to in chapter seven with reference to armed retainers.

[88] *P.Oxy*. LVIII 3960, line 2 and lines 4–11. Note also *P.Oxy*. XVI 1896, in which a group of residents of the same ἐποίκιον, led by the φροντιστής, agreed to provide the Apion household with three thousand jars of wine by the estate jar εἰς λόγον τῆς γεουχικῆς αὐτῆς ῥύσεως τῶν γεουχικῶν ἀμπέλων τοῦ ἡμῶν κτήματος (lines 16–17). This phrase would suggest that, whilst paying a cash rental on the vineyards, the relationship to them of the Apion vine-dressers was essentially that of sharecroppers – as also would appear to be the case vis-à-vis the γεωργοί and the κτῆμα. Note also the pivotal role played by the φροντιστής.

The estate accounts and associated documents preserve further important information concerning social conditions on the *epoikia*. The estate brick account recorded on *P.Oxy.* XVIII 2197, for example, records that the Apion household maintained the physical infrastructure of the churches, irrigated plots, wells, oil-presses, and suchlike associated with the estate *ktemata*. It also oversaw the erection of landmarks or boundaries, perhaps to delineate individual allotments of land, and, moreover, constructed and maintained houses, like the irrigated plots, assigned to named individuals.[89]

The existence of individually designated housing would indicate that the workforce of the *epoikia*, as with the *paidaria*, was made up of family units. The repeated references in the receipt accounts to individuals paying sums to the household 'along with their associates' would further suggest that, in addition to the collective of all those resident on an *epoikion*, there existed bands of co-workers to whom land from the *ktemata* was rented. Production on the *ktema* seems to have been supervised by an individual termed the *phrontistes* (φροντιστής).[90] The entry for Trigyu found in the receipt section of *P.Oxy.* LV 3804, for instance, records that by far the largest sum both in coin and kind contributed to the Apion household was that made by Phib, son of Apa Horion, through Phoebammon the local *phrontistes*.[91]

This practice of contributions listed in the name of one individual or group, from whom the sums presumably were expected, being paid through another is perplexing. On the face of it, the procedure might be read to indicate a certain social and economic differentiation within the settlements, with wealthier individuals assuming the cultivation of allotments initially assigned to others.[92] That matters were not, however, as straightforward as this, is implied by the details found in the entry for Lukiu recorded in *P.Oxy.* LV 3804. We find recorded a payment made 'from Pekusius the vine-dresser through John, son of Isaac' (π(αρὰ) Πεκυσίου ἀμπελ(ουργοῦ) δι(ὰ) Ἰωάννου Ἰσάκ).[93] Yet just two lines later we find another contribution listed 'from the same Pekusius and his associates for the rent of the oil-press' (π(αρὰ) τοῦ αὐτοῦ Πεκυσίου καὶ κοιν(ωνῶν) ὑπὲρ φόρ(ου)

[89] *P.Oxy.* XVIII 2197 – see line 18: [εἰς] χρείαν τοῦ ὁρίου το(ῦ). See also lines 11, 17, and 152–6.

[90] See *P.Oxy.* XVI 1911, line 196, *P.Oxy.* XVIII 2195, line 166, *P.Oxy.* XIX 2243(a), line 5, *P.Oxy.* LV 3804, line 57. See also Hardy 1931: 133.

[91] *P.Oxy.* LV 3804, line 57.

[92] Thus, for example, payments in *P.Oxy.* LV 3804 are recorded as having been made not only through individuals such as the φροντιστής but also through those bearing ecclesiastical titles such as διάκονος (line 81) or πρεσβύτερος (line 107), who may have represented the 'better sort' within ἐποίκιον society.

[93] Ibid. line 75.

ἐλαιουργί(ου)).[94] One solution may be that Pekusius was obliged to take on the rent of the oil factory, and, perhaps being short of labour within his own family, was forced to sublet the plot on the *ktema* for which he was responsible. Certainly, the evidence is consonant with the hypothesis that the *epoikion* community, either of its own volition or, as the contractual papyri will be seen to suggest, under the external compulsion of the Apion household, adjusted the internal contours of responsibility upon the *ktema*, perhaps partly in response to the transferral of agricultural workers from one *epoikion* to another.

That the *epoikia* represented in a sense 'labour settlements' on which the Apion household drew for the purpose of cultivating the *autourgia* may be established beyond any doubt on the basis of a number of documents closely related to the general composite accounts. Amongst the Apion papyri there exist various documents relating to estate management evidently emergent from the central Apion bureau in Oxyrhynchus, detailing arrears in contributions from estate landholdings, ordering the payment to estate workers of wages and other perquisites, or detailing estate requirements. These documents clearly either drew upon information furnished by the *pronoetes* who drafted the estate accounts or were meant to be brought to his attention. In terms of the relationship between the inhabitants of the *epoikia* and the *autourgia*, two such documents are of particular significance.

Chief amongst these is a document dated palaeographically to the fifth or sixth century headed 'account of the workers due to return to the boundary for the sowing of the landowner's *autourgia* in the eleventh indiction'([γν]ῶσ(ις) ἐργ(ατῶν) ὀφειλ(όντων) ἀπελθ(εῖν) εἰ(ς)τὸ παρ( ) πρὸς κατασπορ(ὰν) τῆς γεουχ(ικῆς) αὐτουρ(γίας) ια ἰνδ(ικτίονος)).[95] In the six lines that follow, we find listed the names of various *epoikia* and the number of workers (ἐργάται) required from each.[96] Second, we should note the evidence of *P.Oxy*. XVI 2032, a document listing arrears in payments of coin entitled 'list of arrears of gold' (ἔχθ(εσις) χρυ[σικῶν).[97] Amongst the subheadings contained within this document, we find a 'list of arrears of the *autourgia*' (ἔχθ(εσις) τῆς αὐτουρ[γ]ίας).[98] The entries listed under this subheading include sums owed by groups from Apion *epoikia* described as those 'from Ision Panga', 'from Apele', and 'from Trigyu'.[99] Once again, these may represent sums owed by labourers with respect to payment for lodgings on the *autourgia*.

94 Ibid. line 77. 95 *P.Wash. Univ.* II 102, lines 1–3.
96 *P.Wash. Univ.* II, 102. Thus, line 3: ἐποίκ(ιον) Ἀκανθῶνος ἐργ(άται) β.
97 *P.Oxy*. XVI 2032, line 1. 98 Ibid. line 68. 99 Ibid. lines 80, 81, and 83.

The lists contained within the Apion archive further reveal not only the determination of the Apion household to keep a tight rein on its workforce, but also the lengths to which some of the inhabitants of the *epoikia* would go to evade the obligations incumbent upon them. Thus *P.Oxy*. XVI 2055 consists of an account (γνῶσις) of land-labourers (γεωργοί) who had fled from the *ktema* of Thaesius to an imperial estate.

ESTATE MANAGEMENT AS REPRESENTED IN THE ESTATE ACCOUNTS

The annual estate accounts *P.Oxy*. LV 3804 were the work of a single *pronoetes* by the name of Theodorus.[100] The account records the salary which Theodorus assigned to himself for his year's work – 'to the *pronoetes* for his customary salary account' (τῷ προν(οητῇ) ὑπὲρ λόγ(ου) ὀψωνίου κατὰ τὸ ἔθος), a sum amounting to 24 *artabas* of wheat and 2 *solidi* 'minus 5 carats' – a formula that will be returned to below.[101] It was Theodorus' duty to collect the revenues from the *epoikia*, subtract the assigned costs, and convey the remainder to the central administrators of the Apion family's Oxyrhynchite holdings. In *P.Oxy*. LV 3804, for example, after the final reckoning of income and expenditure, we find the following:

> Of which payments were made to the most glorious Anastasius, banker (*trapezites*/τραπεζίτης) in different instalments (ἐν διαφόρ(οις) καταβολ(αῖς)) as follows: on Tybi 25 of the 14th indiction, with *rhope* 200 *solidi* minus 1,012 carats; on Pharmouthi 25 of the 14th indiction with *rhope* 200 *solidi* minus 1,200 carats. Total paid to the most glorious Anastasius, banker, in accordance with the *entagia* (ἐντάγια) which are in the possession of the overseer 400 *solidi* minus 2,212 carats (the carats being converted to) $96\frac{1}{6}$ *solidi*, the total clear being $207\frac{1}{2}$ $\frac{1}{3}$, remainder $172\frac{2}{3}$ $\frac{1}{96}$ *solidi*. Of which were paid to the same Anastasius, banker, on the 30th of the month of Mesore of the 14th indiction with *rhope* 230 *solidi* less carats $1{,}375\frac{1}{2}$ $\frac{1}{4}$, (the carats being converted) to $57\frac{1}{4}$ $\frac{1}{24}$ $\frac{1}{48}$ $\frac{1}{96}$ *solidi*, the total clear being $172\frac{2}{3}$ $\frac{1}{96}$ *solidi*. The account is balanced.[102]

At the most basic level, we should note that the net cash revenues derived from the estates were paid by Theodorus to a central estate banker or cashier, thus further alerting us to an additional tier of estate management in Oxyrhynchus. The payments were made in three instalments: in the months of Tybi (January) – traditionally associated with the end of the

[100] *P.Oxy*. LV 3804, lines 143 and 225. [101] Ibid. line 154.
[102] Ibid. lines 275–81. As noted earlier, in the years 566/7 when *P.Oxy*. 3804 was written, the estates for which Theodorus was responsible produced no net income in kind. The character of the ἐντάγια referred to is addressed in relation to the contractual papyri.

olive harvest; Pharmouthi (April) – by custom the beginning of the grain harvest; and Mesore (August) – associated with the vintage.[103]

More striking, however, is the form these payments took. In the receipt section of *P.Oxy.* LV 3804, all the sums in coin collected are reckoned in terms of *solidi* and fractions thereof, whilst the contributions in kind are described in terms of *artabas* and divisions of the same termed *choenices*.[104] In the expenditure section, however, the disbursements take the form of *solidi* (and fractions) 'minus so many carats', and '*cancellus*' *artabas*, a pattern followed in the other composite accounts. We should also note the description found in the entry quoted above, of monetary sums being paid to the household not only 'minus so many carats' but also 'with *rhope*'.

It is not possible on the basis of the currently transcribed papyri to ascertain with any certainty the precise meaning of these terms, although a general consensus does exist as to their approximate semantic content.[105] *Rhope*, along with the associated term *incrementum*, is generally accepted to have signified interest payments of some sort levied on monetary transactions.[106] The *cancellus artaba* was primarily an accounting term comprising the standard *artaba* measure of 40 *choenices* but including a built-in surcharge from which the administrative staff of the household benefited.[107] Thus, for example, an estate employee, issued with a *cancellus artaba*, would not have received a full 40 *choenices*, but rather, a certain proportion of the *artaba* would have been deducted by way of perquisite for the manager in charge of the transaction. Similarly, the practice of collecting sums reckoned in 'full' *solidi*, and disbursing the *solidus* minus a certain number of its constituent 24 carats evidently represented a form of in-built credit or transactional cost.[108]

This picture is rendered even more complicated by the testimony of *P.Oxy.* LV 3805, a set of arithmetical workings written on the back of the

[103] Schnebel 1925 and Pestman 1990. [104] Pestman 1990: 49.

[105] *Contra*, however, see Maresch 1994. Maresch seeks to establish that the 'minus-carat' system and the system of variable 'standards' between coins expressed 'unterschiedliche metrologische Schemata' rooted in numismatic reality (see v and 8). Maresch gathers together much useful material, but that these practices originated as a result of developments within the coinage does not establish that they did not then develop a more sophisticated economic function on the great estates and in society at large. It is striking, for example, that the 'minus-carat' formula, as Maresch himself notes (8) 'wird von der Mitte des 5. Jahrhunderts zumindest bis zur persischen Okkupation gebraucht', that is to say, as will be seen in chapter ten, its appearance was contemporaneous with the rise of the great estates – indicating that it represented at least as much a social as a numismatic phenomenon.

[106] Johnson and West 1944: 144.

[107] See the excellent discussion by Rea in *P.Oxy.* LV 3804: 126–9, lines 141–2, notes.

[108] See Rea on *P.Oxy.* LV 3805: 165, lines 7–8, note, 'the minus carats represented deductions made by the estate in favour of itself on most of its disbursements'. These sums would have been made either in base-denomination coinage or, as suggested below, in the form of credit notes.

estate accounts published as *P.Oxy.* LV 3804 after they had arrived in the central Apion bureau in Oxyrhynchus.[109] The document details payments made to the Apion household with respect to various plots of land and other properties, administrative charges, and commercial transactions, and as such adds considerably to an appreciation of the range and extent of the family's interests: the document records, for example, rents received by the household on a warehouse and a synagogue, and a payment made by agricultural workers for hunting rights associated with the *autourgia* Outside the Gate.[110]

The individual payments are generally recorded to have been initially received by the household in *solidi* measured 'by the private standard' (ἰδιωτικῷ) minus a certain number of carats. The payment is then converted into a sum by what is termed the public standard (δημοσίῳ), once again, minus carats. The number of deducted carats is then expressed in terms of *solidi* – thus 240 deducted carats would be converted into ten *solidi*, and this sum is then subtracted from the notional number of gold coins, providing one with the total 'clear' (καθαρά) by the public standard.[111] We are then informed of the *rhope* or *incrementum* levied on the transaction – although in every individual case these are reckoned at nought. An amount, most commonly reckoned at $\frac{1}{6}$ of a carat per *solidus*, is then added to the total 'clear' by the public standard, 'for conversion of the public standard to the Alexandrian'.[112] We are then provided with a total 'by the Alexandrian standard'.[113]

The sums of money reckoned by the private standard 'minus carats' appear to have represented the revenues as they arrived at the central bureau at Oxyrhynchus after the deduction of an initial set of surcharges by the *pronoetes*.[114] The conversion of the private standard to the public involved the deduction of a further number of carats. It would be logical to interpret these deductions as representing a further set of surcharges, levied on the transactions in question either to the benefit of the central Apion bureau in Oxyrhynchus, or to a local public banker to whom the sum was entrusted.[115]

109 *P.Oxy.* LV 3805: 144 – note the editor's comments.

110 Ibid. lines 36, 56, and 70.

111 See, for example, ibid. lines 16–17: the sum by the public standard is 2 solidi minus 12 carats: the 12 carats are converted into $\frac{1}{2}$ solidus, which is then deducted from the 2 solidi, leaving 'clear' 1 solidus + 12 carats.

112 See ibid. line 10: ὑ(πὲρ) παραλλ(ισμοῦ) τοῦ δημ(οσίου) εἰς Ἀλεξ(ανδρείας).

113 The arithmetical workings concerning *rhope* and *incrementum* published as column X of the document are unrelated to the other entries. See the comments of Rea in *P.Oxy.* LV 3805: 173, lines 138–46, notes.

114 See the comment of Rea ibid. 165, lines 7–8, notes: 'in 3804 the standard is evidently "private standard" throughout, although the standards are only mentioned in one entry (150)'.

115 Note Rea's comments ibid. 166–7.

Whereas the conversions recorded from the private to the public standard invariably diminished the value of the payments concerned, as noted above, conversion to the Alexandrian standard added to the value of the transaction. The term 'Alexandrian standard' would imply that the sums so reckoned were destined to be received by a third tier of Apion estate management – a bureau located in Alexandria. The additional carats credited to the 'public standard' may have constituted either a rebate made to the Alexandrian office of the Apion household by the banker, or alternatively, an additional top-up surcharge which the Alexandrian office insisted be placed on its expected revenues so as to defray its own internal or transactional costs, a sum which the Oxyrhynchite office was expected to meet. Certainly, that the Apion household possessed an office located in Alexandria is strongly suggested by a receipt found on the *verso* of the estate accounts *P.Oxy*. XIX 2243(a), which records that four *solidi* were given to the guards or *symmachoi* 'returning to Alexandria' (συμμάχ(οις) ἀπερχομ(ένοις) ἐν Ἀλεξανδρ(είᾳ)).[116]

The workings of the system of variable standards, when taken alongside the operation of the 'minus carat' system and the *cancellus artaba*, provide rich testimony as to the highly sophisticated and monetised character of Apion estate management, and potentially alerts one to the trans-regional character of the Apion household as a social and economic institution, including levels of estate management beyond the Oxyrhynchite.

THE LOGIC OF THE ACCOUNTING TECHNIQUE

The Apion estate accounts also provide a great deal of information concerning the underlying assumptions concerning the nature of estate management that underpinned the supervision and organisation of the Apion family's rural properties. As we have already seen, the Apion estate accounts *P.Oxy*. XVI 1911 and *P.Oxy*. LV 3804 are concerned with the exploitation of essentially the same estate landholdings. *P.Oxy*. XVI 1911 dates from the year 556/7, while *P.Oxy*. LV 3804 dates from 565/6. Three features stand out from comparison of the two sets of accounts. The first is that columns one and two of the receipts section of *P.Oxy*. XVI 1911 are identical to lines 71 to 112 of the receipts section of *P.Oxy*. LV 3804. The second is

[116] *P.Oxy*. XIX 2243(a), lines 92–3. The document further records payments to those going to Cynopolis, indicating the existence of Apion properties there as well. For further evidence of an Alexandrian office, where leases were stored, see Mazza 2001: 108.

that substantial differences nevertheless exist with respect to their expenditure sections. The third is that, irrespective of these differences in terms of expenditure, the final balance recorded in each set of accounts is very similar.[117] That is to say, the documents suggest that the character and level of revenues derived from the Apion-owned *epoikia* tended to be pretty invariable. There was much greater variety, however, in terms of expenditure, but because that expenditure had to be paid for out of the essentially invariable 'ktematic' revenues, the overall level of expenditure tended to remain constant.[118]

The information that the estate accounts furnished most readily, therefore, was whether the *pronoetes* had collected the expected sums and whether he had incurred unusual (or suspicious) levels of expenditure.[119] That is to say, the estate accounts identify the honesty and reliability of the estate overseer or *pronoetes* as the crucial factor determining the fortunes of the estate. The relative fixity of revenues derived from the estate *epoikia* and the greater variability of expenditure recorded in the estate accounts (much of it associated with the *autourgia*) would further suggest that in so far as there would appear to have been flexibility of agrarian strategy on the Apion estates, it was focused on the estate 'in-hand'.[120]

CONCLUSION

The estate accounts enable us to identify a number of key characteristics of the Apion household of fundamental significance to an understanding of social relations in the region of Oxyrhynchus in the sixth century. The Apion estates were primarily divided into a directly managed in-hand (the

[117] See the comments of Rea on *P.Oxy*. LV 3804 and the excellent article by Mazza 1998: 161–72.

[118] I nevertheless remain unpersuaded by Mazza's suggestion (1998: 169) that the close similarities between the receipt sections of the two sets of accounts should be read to imply that the schedule of demands issued to estate *pronoetai* was in a sense 'notional', and, by the date of *P.Oxy*. LV 3804 ahistorical. There is nothing necessarily surprising in the fact that two sets of documents separated by a space of nine years record the same people contributing the same sums. Those members of the *epoikion* communities with the highest rate of mortality (the very young and the very old) are those whose names would tend to be absent from estate accounts, primarily concerned, as these documents are, with the activities and responsibilities of the working population. Mazza bases her hypothesis on one sixteenth-century English example (170).

[119] This is a common feature of 'charge–discharge' accounting techniques, of which, as Mazza notes, the Apion estate managers operated a variant. See the excellent discussion in Macve 1994 and R. H. Jones 1994. The classic work on accounting technique in antiquity remains de Ste Croix 1956.

[120] Thus whilst there is a fair degree of overlap, there are substantial differences in the payments concerning the same *autourgiai* recorded in lines 107–25 of *P.Oxy*. XVI 1911 and lines 196–211 of *P.Oxy*. LV 3804.

autourgia) and allotments (*ktemata*) that were leased out to the inhabitants of the estate settlements (*epoikia*). The revenues derived from the latter were in part used to support the cultivation and development of the in-hand. The inhabitants of the *epoikia* were deployed on the *autourgia* as a centrally directed workforce. On the *autourgia*, the inhabitants of the *epoikia* may also have worked alongside a servile labour force of *paidaria*.

The agricultural workers of the Apion *epoikia* emerge from the estate accounts as far from uniformly pauperised. A fair amount of social differentiation on the *ktemata* may be evident: individual inhabitants of the settlements are described as having reared livestock, while one is described as having owned some land of his own.[121] On occasion they can be seen to have received wages from the Apion household reckoned in coin. The position of such workers was, however, highly insecure; they were dependent on the household for their accommodation and were moved between settlements. They appear, for the most part, to have been far more markedly detached from the land that they cultivated and the homes in which they lived than most 'peasants' in pre-industrial societies are commonly supposed to have been.[122]

The social and economic reach of the Apion household was not limited to the *epoikia* that it owned. The estate accounts attest the fact that the household owned land in villages – that is, settlements bearing the designation of *kome* – thereby bringing the estate managers into contact with a broader section of rural society. The estate also owned urban property in Oxyrhynchus. Yet it was the *epoikia* that formed the core of the Apion household's social influence in the region around Oxyrhynchus, just as it was the *autourgia* that would appear to have constituted the foundation of its wealth.

The estates were also highly monetised and administratively sophisticated. The Apion administrators and estate managers collected cash revenues from the *epoikia* and village properties most of which apparently

[121] *P.Oxy.* LV 3804, line 92 – he would appear to pay the taxes he owns for this plot through the Apion household.

[122] See the comments of Hilton 1975: 13 that one of the defining characteristics of peasants 'as a distinctive social class in history as in contemporary reality' is that 'they possess, even if they do not own, the means of agricultural production by which they subsist'. The Apion workforce approximated far closer to wage labourers than to the serfs of most feudal or tributary states, of whom Hilton 1976: 14 has written 'Given the effective possession of the subsistence-producing holding by the peasant family, the transfer of the surplus must be forced, since the peasant, as contrasted with the wage labourer, does not need to alienate his power in order to live.' For the term 'tributary state', see Haldon 1993.

would eventually have been conveyed to Alexandria, where there existed a higher level of estate management. The revenues in kind derived from the settlements were largely consumed by the internal requirements of the household itself, including its fiscal responsibilities towards the state in the form of the imperial grain shipment or *embole*. But what of the production of the *autourgia*? The most natural inference to draw is that the surplus furnished by the in-hand was marketed.

CHAPTER 3

Labour and administration: the evidence of the contractual papyri

THE NATURE OF THE DOCUMENTS

Although the Apion estate accounts reveal in broad outline the economic structure of the family's Oxyrhynchite landholdings in the sixth century, they shed relatively little light on the precise terms on which the estate's labourers, supervisors, and managers were actually employed. For this aspect of the life on the Apion estates, we must turn to the testimony of the contractual papyri.

The major contractual components of the archive may be divided into three. First and foremost in terms of the light they shed on the management of the estates are the *homologiai* (ὁμολογιαί), which generally consist of contracts of employment.[1] In many respects, the *homologiai* bear close resemblance to the contracts of surety, the *enguai* (ἐγγύαι), which constitute our second type, and which describe in greatest detail the terms on which the mainstay of the agricultural workforce was retained in the service of the household.[2] Third are the *cheirographiai* (χειρογραφίαι), contracts acknowledging the receipt of items issued by the Apion estate to its employees and dependants. This third category shares certain affinities with other documents found within the archive of relatively minor significance to our understanding of the workings of the household. As such, these documents (styled *apodeixeis*/ἀπόδειξεις), along with documents of receipt termed *idiocheira* (ἰδιόχειρα) and *grammateia* (γραμμάτεια), are not examined here, although their existence should be noted.[3]

[1] In chronological order: *P.Oxy*. LI 3641, I 134, I 136, LVIII 3952, I 138, and LVIII 3958.

[2] In chronological order: *P.Lond*. III 78, *P.Oxy*. I 135, *P.Oxy*. XXVII 2478, *P.Wash.Univ.* I 26, *PSI* I 59, *PSI* I 62, *P.Oxy.* XXIV 2420, *P.Oxy*. XVI 1979, *P.Oxy*. LVIII 3959, *P.Oxy*. LXVI 4536.

[3] For ἀποδείξεις see *P.Oxy.* XVI 1898, LVIII 3954, LVII 3914, and LXI 4131; for γραμμάτεια, see *P.Oxy.* I 133, XVI 1976 and 1896. This last document is of some interest in that it provides one with further evidence for the scale of production possible on the κτῆμα: a group of inhabitants of the ἐποίκιον of Leo agree to provide the Apion household with three thousand jars of wine. The published Apion documents of receipt of every type are, in chronological order: *P.Mich*. XIV 682

HOMOLOGIA – THE CONTRACT OF EMPLOYMENT

The *homologia*-type documents contained within the Apion archive add considerably to our understanding of the day-to-day supervision and management of the family's properties. As already seen, the Apion estates comprised landholdings termed *ktemata* centred upon *epoikia*, similar properties located in or around larger villages or *komai*, and land held and cultivated 'in-hand', termed the *autourgia*. Production on the *ktemata* and village landholdings was overseen by the figure of the *pronoetes*. To some extent, this may also have been true on the *autourgia*. The *pronoetai* were responsible for the collection of revenue in wheat and coin, the overseeing of expenditure, and the compilation of accounts. As the underlying rationale of the estate accounts suggests, the efficient and profitable exploitation of the Apion family's landholdings depended to a very great extent upon the honesty and accountability of the *pronoetes*. In so far as the agricultural labourers of the *epoikia* were concerned, the *pronoetes* represented the most immediate and public face of the Apion household.

The terms on which the *pronoetai* were employed are recorded in two *homologia*-type contracts, *P.Oxy*. I 136 and *P.Oxy*. LVIII 3952, dating from the years 583 and 609/10 respectively. Of these, *P.Oxy*. I 136 represents the most complete example of the type. The contract opens with the regnal, consular, and indictional date, and it is addressed to the heirs of Flavius Apion III by a certain Serenus, described as deacon of the Holy Church in Oxyrhynchus, and his guarantor, the 'notary' – or *nomikarios* – Victor.[4] The agreement is described as having been made through the intermediary

(metal for a cistern), *P.Oxy*. XVI 1982 (irrigational machinery), *SB* XVI 12608 (wine), *P.Oxy.* LXVII 4616 (irrigational machinery), *P.Oxy*. XXXVI 2779 (irrigational machinery), *P.Oxy*. LI 3640 (rope), *P.Oxy*. I 142 (wheat), *P.Oxy*. I 143 (money), *P.Oxy.* I 206 (payment of loan), *P.Oxy*. I 205 (payment between estate officials), *P.Oxy*. XVI 1983 (parts for a mill), *SB* XII 11231 (irrigational machinery), *P.Oxy*. XVI 2013 (meat), *P.Oxy*. XVI 2014 (meat), *P.Oxy*. I 145 (payment), *P.Lond.* III 776 (irrigational machinery), *P.Oxy.* I 146 (hay and straw), *SB* XVIII 14061 (rope), *SB* XVIII 14062 (straw mats), *P.Oxy*. I 147 (rope), *P.Oxy*. I 148 (straw mats), *SB* XVIII 14063 (rope), *P.Oxy*. XVI 2015 (rope), *P.Oxy.* XVI 1903 (meat), *PSI* III 193 (wine), *PSI* III 191 (wine), *PSI* III 192 (wine), *PSI* III 194 (wine), *P.Lond.* III 775 (irrigational machinery), *P.Oxy*. VI 915 (lead), *P.Turner* 50 (lead), *P.Turner* 51 (lead), *P.Turner* 52 (lead), *P.Turner* 53 (lead), *P.Oxy.* VII 1043 (oil), *P.Oxy*. I 144 (money for Alexandria), *P.Oxy*. I 202 (irrigational machinery), *P.Lond.* III 774 (irrigational machinery), *P.Oxy*. I 137 (irrigational machinery), *P.Wisc.* II 66 (payment), *P.Oxy.* XVI 1987 (irrigational machinery), *P.Oxy*. XVI 1983 (ecclesiastical donation), *P.Oxy*. XVI 1898 (ecclesiastical donation), *P.Oxy*. XVI 1988 (irrigational machinery), *P.Oxy.* XVI 2012 (wine), *P.Oxy*. I 150 (wine), *P.Oxy*. I 207 (wine), *P.Oxy*. XVI 1989 (irrigational machinery), *P.Oxy*. XVI 1990 (irrigational machinery), *PSI* I 81 (rent), *PSI* I 60 (irrigational machinery), *SB* XIV 11618 (salary), *PSI* V 474 (wine), *P.Mich.* XV 743 (wine), *P.Oxy*. LXI 4131 (donation to hospital), *PSI* I 89 (donation), *P.Oxy.* LVIII 3959 (wine), *P.Amh.* II 157 (payment to estate official), *P.Amh.* II 158 (payment to estate official), *P.Oxy.* I 153 (payment), *SB* XII 11163 (payment to estate official).

[4] *P.Oxy*. I 136, lines 1–11.

of an estate employee described as Menas the *oiketes* (Μηνᾶς οἰκέτης), a figure to whom we shall return in chapter nine. The contract proper opens in line eleven:

I, Serenus, deacon, principal party to the contract, of my own free will and deliberate choice, agree that I have made a contract with your magnificence through your representatives for one year reckoned from the arrears of the money payments of the present first indiction, and that of the crops and money payments and revenues, God willing, of the second indiction; in which contract I undertake to fill the post of your overseer or receiver (τὴν χώραν τοῦ προνοητοῦ ἤτοι ὑποδέκτου) in the management of the holding (ἐμ προστασίᾳ κτήματος) of Matreus and the <possessions> in the villages (ἐν ταῖς κώμης) of Episemus and Adaeus and their *exotikoi topoi* (τῶν ἐξωτικῶν αὐτῶν τόπων) belonging to your magnificence.[5]

The contract then continues:

I undertake to conduct my dealings with the land-labourers (γεωργῶν) responsible, both of the *ktema* and the villages and the *exotikoi topoi* in accordance with the schedule of demands (ἀπαιτήσιμον) notified to me by the worshipful secretaries (χαρτουλαρίων) of your honoured house, so as to collect and pay to your magnificence or your representatives all that is due, namely the corn to the official controller of the boats of your honoured house and the money to the most illustrious banker (τραπεζίτην) of the same honoured house, in correspondence with my receipts issued by me (τοῖς ἐμοῖς ἐνταγίοις τοῖς ἐκδιδομένοις παρ᾿ ἐμοῦ) to all the land-labourers under my charge, and in agreement with the performance of my duties and the method of collection adopted by me.[6]

A number of points emerge from this initial section of the contract. First, the overseer, drawn from a relatively respectable social rank, was employed for a single year. This insecurity of tenure was presumably meant to encourage honesty and efficiency. Second, the overseer was issued with a schedule of demands or *apaitesimon* (ἀπαιτήσιμον) by household employees known as 'secretaries' or *chartularioi* (χαρτουλάριοι).[7] Third, when receiving revenue, the *pronoetes* was obliged to issue receipts – *entagia* (ἐντάγια) – to the estate workforce.[8] Any negligence or peculation on the part of the *pronoetes* would thus have been readily identifiable: the *chartularioi* would have simply needed to check the revenues received by the household against the schedule of demands they had issued to the overseer, and if necessary, the receipts he in turn had issued to the estate's agricultural workers. The

[5] Ibid. lines 11–17. [6] Ibid. lines 17–24.

[7] For discussion of the *apaitesimon*, Mazza 1998: 161–72.

[8] Note the mention of these receipts in the estate accounts – thus the payments made to the Apion household by the overseer in *P.Oxy.* LV 3804, line 17 are described as ἀκολούθ(ως) ἐνταγί(οις) οὖσι π(αρὰ) τῷ πρ(ονοητῇ).

Apion household, evidently keenly aware of how dependent it was on its *pronoetai*, had checks and balances in place to minimise the risks posed by deception, indolence, and fraud.

In terms of the structure of the family estates, the initial section of the contract appears to record three categories of land: the *ktemata*; property within villages or *komai*; and places described as *exotikoi topoi* (ἐξῶτικοι τόποι). These three categories then become elided into two distinct divisions of land – the *ktemata* and the *exotikoi topoi*. Each was to be administered rather differently. As the contract states:

> And if any shortfall should occur on the aforesaid *ktemata*, I am to make it good to your magnificence and it shall be credited thereto in my accounts (καταλογίσθασθαι ἐν τοῖς ἐμοῖς λόγοις). But I will receive and exact and transfer to the aforesaid landowner's account (τῷ εἰρημένῳ γεουχικῷ λόγῳ) everything in full from the *exotikoi topoi*.[9]

Serenus is thus provided some leeway in relation to the revenues of the *ktemata* and, it must be assumed, village landholdings of the family: to some extent, he is permitted to fall into arrears, so long as he eventually makes them up in his accounts (presumably the general estate accounts submitted to the Apion bureau in Oxyrhynchus, such as we encountered in the previous chapter). No such flexibility, however, is countenanced with respect to the *exotikoi topoi* – the dues expected from these holdings were to be collected 'in full' (εἰς πλῆρες).[10] The contract may also be read to imply that the revenues derived from the *exotikoi topoi* were to be recorded in a separate document – the 'landowner's account' or *geouchikos logos* (γεουχικός λόγος) possibly alluded to in the text.

What, then, were these *exotikoi topoi*? The most natural reading of the phrase would be 'outlying places'.[11] The estate accounts refer to only two types of property that could possibly have been so described in relation to the *ktemata* and estate village-holdings: on the one hand, the estate *epoikion*-settlements; on the other, the directly managed estate *autourgia*. To have sought to distinguish between *epoikion*-revenues and revenues derived from the *ktemata*, however, would have made no sense; in the estate accounts they are treated as amounting to the same thing. The most logical solution is that the *exotikoi topoi* referred to in *P.Oxy*. I 136 were the estate *autourgiai* associated with the *epoikia* for which Serenus bore responsibility. There are two indications that point in this direction. First, as seen in the previous chapter, the revenues derived from the *autourgia* were not included in the general estate accounts submitted to the Apion family's Oxyrhynchite

[9] *P. Oxy.* I 136, lines 24–7. [10] Ibid. line 26. [11] See Banaji 2001: 174.

bureau, nor, according to *P.Oxy*. I 136, were those of the *exotikoi topoi*. Second, it was argued in chapter two that the income furnished by the *autourgia* is likely to have been rather more central to the concerns of the Apion household than that collected from the *ktemata*. If the *exotikoi topoi* and the *autourgia* were one and the same, it would explain the determination on the part of the household, recorded in the contract, that the sums owed by the *exotikoi topoi* were to be collected in their entirety.

So why describe the *autourgia* as an '*exotikos topos*'? Here we are confronted by two linguistic features of the documentary papyri: their verbosity, and what is quite often their technical specificity. Nothing came more naturally to those writing late-imperial Greek than to call a spade a shovel, and a shovel an earth-turning implement. Circumlocution, or *periphrasis* (περίφρασις), was a sign of rhetorical education, however rudimentary. Second, in the sixth century, the word *exotikos* carried clear legal connotations. It was used in the Justinianic law to describe an entity or subject that stood outside of or distinct from a particular legal relationship.[12] On the basis of the estate accounts, it was suggested that whilst the *autourgia* was directly managed by the Apion estate, the *ktemata* were leased out to the inhabitants of the *epoikia*. This hypothesis can be demonstrated beyond doubt on the basis of *P.Oxy*. LXVII 4615, a contract of lease or *misthosis* (μίσθωσις) whereby an Apion land-labourer from the property of Monimu took out a one-year lease on a piece of land belonging to his *ktema*.[13] For the *ktemata* to have been subject to lease, but for the *autourgia* to have remained under the direct management of the household, would have been to place the two categories of land in quite different legal positions. In this context, to describe the *autourgia* as an *exotikos topos* with respect to the *ktemata* would have been technically correct. The careful attention to legal detail demonstrated by those who drafted the Apion household's contracts with its employees is worth noting. Thus, in the closing section of *P.Oxy*. I 136, Serenus and Victor agreed to 'renounce the privilege of sureties, contrary to the new (imperial) constitution issued concerning sureties and people accepting responsibility'.[14] Not only were contracts written with an eye to the niceties of legal detail, they were even composed with a view to evading the requirements of recent imperial legislation.

The somewhat more fragmentary *P.Oxy*. LVIII 3952 confirms the general picture painted by *P.Oxy*. I 136. The principal party, Phoebammon,

[12] See *J.Nov.* 48.1.7 and *J.Nov.* 22.20.2.

[13] *P.Oxy*. LXVII 4615, sixth-century, and also *P.Oxy*. XVI 1968, a letter which refers to leases. A fifth-century lease has also been published in *P.Oxy*. LXIII 4395. A third Apion lease survives on *P.Flor.* 325. For discussion of Apion leases, see Mazza 2001: 107–8.

[14] *P.Oxy*. I 136, lines 37–9 – reference to a now lost imperial law.

is described as a priest of the Holy Church of Oxyrhynchus, whilst his guarantor, whose name does not survive, was a schoolmaster, that is to say, they were both of a very similar social background to Serenus and Victor above.[15] As in *P.Oxy*. I 136, the principal party and his guarantor entered into a state of full personal liability for the revenues that the *pronoetes* was to collect, again, irrespective of imperial legislation to the contrary.[16] The contract was to be of one year's duration, and Phoebammon was to undertake the stewardship of Ptolemas, Tantape, and 'the *exotikoi topoi* belonging to your magnificence' (<τῶν> ἐξωτικῶν τόπων [τῶν διαφερόντων τῇ ὑμῶν ὑπε]ρφυείᾳ).[17] The honesty of the overseer was to be audited by comparing income against receipts.[18] Crucially, once again, it would appear (albeit on the basis of a reconstituted part of the text) that Phoebammon was to be permitted no delay in the collection and transmission of whatever was due from the *exotikoi topoi*, which he was 'to bring forward to the landowner's account'.[19] In relation to the *ktemata*, however, Phoebammon, like Serenus, was granted greater room for manoeuvre: arrears, if incurred, could be made up at a later date.[20]

A third *homologia* emergent from the archive reveals important details concerning the administration of the Apion family's urban properties in Oxyrhynchus. The document in question, *P.Oxy*. LVIII 3958, dating from 614, consists of the contract of an estate employee described as Joseph *enoikologos* (ἐνοικολόγος). The contract is dated by the same formula as those of the *pronoetai*, and, similarly, is agreed 'through Menas the *oiketes*'.[21] The social background of the principal party is strikingly similar to that of the overseer encountered above: Joseph was a *psaltes* (ψάλτης) – psalmist of the confraternity of St Theodore.[22] Unlike the earlier contracts, however, no guarantor for Joseph is mentioned. This perhaps is explicable in terms of the fact that Joseph describes himself in the document as already being the '*enoikologos* of your glorious household' (ἐνοικολόγος τοῦ ἐνδόξ(ου) ὑμῶν οἴκου), suggesting that *P.Oxy*. LVIII 3958 marked the renewal of a previous contract, and that a guarantor vouching for Joseph's honesty was thus perhaps felt to be unnecessary.[23] As with the *pronoetai*, Joseph was employed for one year, implying that this was standard practice for supervisory staff.[24]

The contract sets out Joseph's responsibilities: he would act as *enoikologos* for all the properties belonging to the Apion household in Oxyrhynchus, collecting the revenues due 'from the houses and stores and other [premises]

[15] *P.Oxy*. LVIII 3952, lines 6–7 and 11. [16] Ibid. lines 40–5. [17] Ibid. lines 10, 16, and 18–20.
[18] Ibid. lines 41–3. [19] Ibid. lines 23–4, 29–30. [20] Ibid. lines 26–8.
[21] *P.Oxy*. LVIII 3958, lines 9–10. [22] Ibid. lines 11–12. [23] Ibid. line 12.
[24] Ibid. lines 16–17.

belonging to your glorious household and pertaining to this collectorship'.[25] He further agreed to pay 'to your excellency through the persons attached thereto' 125 *solidi* by the private standard of Oxyrhynchus 'and the small-denomination coinage which is supplied by me to those attached to your glorious household in accordance with the *pittakia*'.[26] Joseph further agreed to issue oil to estate employees, and, again, to bear personal liability for all the transactions for which he was responsible.[27]

The description of Joseph issuing small-denomination coinage to those described as 'attached to' or 'belonging to' the household 'in accordance with the *pittakia*' is of great importance to an understanding of the manner in which the Apion workforce was remunerated. In the expenditure section of the estate accounts *P.Oxy*. LV 3804, we find recorded a payment made 'to Apollos, riverman, and his companions, who embanked the one *aroura* of vines destroyed in the *epoikion* of Tarusebt . . . by way of wage (λόγ(ῳ) μισθ(οῦ)), in three *pittakia* for Pharmenoth and Pharmuthi and Epeiph, 4 *solidi* minus 18 carats'.[28] In this instance, the editor of the text translated *pittakia* as 'assignments', but a far clearer translation, to which *P.Oxy*. LVIII 3958 lends support, would be 'cheques' or 'credit notes'.[29] Taken alongside *P.Oxy*. LV 3804, *P.Oxy*. LVIII 3958 demonstrates that certain at least of the Apion household's employees received wages in the form of credit notes which could be cashed in via estate administrators, such as the *enoikologos* Joseph. The papyrus provides further vivid testimony as to the highly monetised character of the Apion estates and of Apion estate management.

The breadth and diversity of the Apion family's interests in Oxyrhynchus are further illustrated by two additional contracts of employment: *P.Oxy*. LI 3641 – concerning a millstone cutter – and *P.Oxy*. I 138. This latter document may be dated to the year 610–11 and details the terms of employment of a 'contractor of the racecourse and of the riding stable' (πακτάριος τοῦ ὀξέως δρόμου τοῦ ἐνδόξου ὑμῶν οἴκου καὶ τοῦ βαδιστικοῦ στάβλου).[30] Structurally, *P.Oxy*. I 138 bears very close resemblance to the contracts of the *pronoetai* and the *enoikologos* encountered above. The principal party to the contract, John, a native of Oxyrhynchus, agreed to take charge of the management of the household's stable and racecourse for one year, promising to 'undertake this [charge] and to meet

[25] Ibid. lines 20–1. [26] Ibid. lines 23–7. [27] Ibid. lines 27–34.

[28] *P.Oxy*. LV 3804, lines 223–4.

[29] See Hardy 1931: 98 and 100. In the latter, Hardy cites the highly informative *P.Oxy*. I 153, in which the early-seventh-century estate administrator Victor bought three horses at the village of Sephtha in return for a πιττάκιον crediting 9 *solidi*.

[30] *P.Oxy*. I 138, lines 9–10.

all landowner's needs (πάσας γεουχικὰς χρείας) that arise and to provide mounts for the noble administrators (διοικηταῖς) and the most illustrious secretaries (χαρτουλαρίοις) and the slaves (παισίν) departing on whatever estate business'.[31] As with the contracts examined above, John agreed to perform these duties at his own personal liability and is recorded to have expected to receive from the household the substantial sum of one pound of gold on the Alexandrian standard 'on account of the *pakton*' (λογῷ πάκτου).[32]

One pound of gold would have represented an enormous sum – so large, indeed, as to render it highly improbable that it could have constituted the contractor's salary. The description of the sum having been paid λογῷ πάκτου is informative, for the same phrase is found in the contract of the *enoikologos* examined above, in which instance, apparently, it would have represented the sum of money which Joseph the *enoikologos* had agreed to pay *to* the Apion household.[33] Essentially, the Apiones seem to have contracted out the management of their urban properties in Oxyrhynchus to Joseph in return for this lump sum.

This policy with respect to the estate shops and warehouses opens the way to a hypothetical solution to the conundrum posed by the meaning of *pakton* (πάκτον) in *P.Oxy*. I 138. The confirmatory signatures appended to the document reveal that it was signed by the contractor, John, and his 'hireling', Phoebammon (μίσθιος αὐτοῦ). The latter goes on to state, 'I wrote this on his behalf, on his instruction, appending his name' (ἔγραψα ὑπὲρ αὐτοῦ κατ' ἐπιτρωπὴν αὐτοῦ, πρωτεξάντός μου τὼ ἴδιον ὄνωμα).[34] John was thus planning to run the estate stable with a staff of his own. Yet again, we see the Apion household appearing to 'contract out' an aspect of estate management. In this instance, it would appear, the Apion household provided the contractor with an agreed lump sum (the *pakton*) out of which he was both to meet the running costs of the stable and to derive his own salary, thereby providing him with an incentive to maximise efficiency and minimise cost.

The contractual papyri relating to supervisory staff can all be seen to have been of one year's duration. This feature, as already noted, is explicable in terms of a desire on the part of the Apion household to ensure the honesty of its overseers and administrators, inculcating a sense of measured

[31] Ibid. lines 21–4. Note the use of παιδάρια as messengers in *P.Oxy*. XVI 1921, line 1.

[32] *P.Oxy*. I 138, lines 29–30, lines 26–8.

[33] See *P.Oxy*. LVIII 3958, lines 22–3. Note the comments of Rea, ibid. 113–14, line 22, note, where the evidence of *P.Oxy*. LV 3805, line 35 is also cited.

[34] *P.Oxy.* I 138, lines 45–7.

insecurity on their part. The literacy, numeracy, and social skills required to oversee production on the Apion estates were, presumably, relatively common amongst those belonging to, or on the fringes of, polite society in Oxyrhynchus. Accordingly, the replacement of one overseer or administrator by another would probably have been reasonably straightforward.

But, as once again evident from the estate accounts, the cultivation and development of the Apion family's landholdings also required the services of skilled artisans, whose expertise may have been somewhat rarer. Accordingly, it would have been to the household's advantage to retain such skilled workers on a rather more durable basis. Thus in *P.Oxy*. LI 3641 – an agreement between the Apion household and a millstone cutter dating from the year 544 – we encounter for the first time a *homologia*-type contract engaging the services of the principal party for the duration of his lifetime.[35] The document records that Aurelius Serenus, 'millstone cutter' or *mylokopos* (μυλοκόπος), agreed to provide the Apion household with new mill-parts termed *strobili* and *calathi* at the rate of $2\frac{1}{2}$ *solidi*, either each or per pair, for the rest of his life.[36] These were to be supplied 'in every *topos* of your estate and in every bakery and in all the *ktemata* and in the oil-presses' (ἐν ἑκάσ[τῳ] τόπῳ τῆς ὑμετέρας οὐσίας ἐν τε κριβανείῳ τε καὶ πᾶσιν τοῖς κτήμασιν καὶ ἐν ἐλαι[ου]ργίοις).[37] The contract further illustrates, *inter alia*, the bipartite structure of the Apion estates, the chiasmic arrangement of the sentence highlighting the existence of two distinct categories of land: the *ktemata*, and what are termed the *topoi* of the estate (τόποι τῆς οὐσίας.) The latter, once again, are to be identified with the *autourgia* of the estate accounts and the *exotikoi topoi* of the overseers' work contracts. Serenus agreed that he would be liable to a fine of 24 *solidi* if he broke the contract for any reason other than illness. Likewise, the Apion household was obliged to pay him the same amount if it wished to dismiss him without just cause.[38] Evidently, skilled artisans were in a comparatively strong bargaining position.[39]

Finally, we should note two *homologia*-type contracts of fundamental significance to an understanding of the internal structure of the Apion *epoikia*: *P.Oxy*. LXII 4350 and 4351. As seen in chapter two, the inhabitants of the *epoikion*-settlements were responsible both individually and collectively

[35] *P.Oxy*. LI 3641, lines 7–8.

[36] See the comments of Rea ibid. 113, introduction, and 116, line 6 and lines 8–10, notes.

[37] Ibid. lines 9–10. [38] Ibid. lines 15–19.

[39] Note, however, that the contract was made just three years after the advent of bubonic plague to Egypt, thus perhaps giving us a distorted sense of the bargaining power of artisanal labour: see Sarris 2002: 177–8.

for rental charges levied on portions of land on the *ktemata*, amenities such as oil-presses situated within the *epoikia*, and the payment of fiscal charges. The collection of these was the responsibility of the *pronoetes*, although a certain amount of production on the *ktemata* would appear to have been supervised by the figure of the *phrontistes*, who lived within the *epoikion*. *P.Oxy.* LXII 4350 and 4351 cast further light on the responsibilities of the *phrontistes*, and the manner in which certain inhabitants of the *epoikia* were co-opted by the Apion household to assist him in the fulfilment of his duties.

P.Oxy. LXII 4350, dating from 576, consists of an agreement between the Apion household and three residents of the *epoikion* of Sasu Kato, all of whom are given the designation of 'registered land-labourers' or *enapographoi georgoi* (ἐναπόγραφοι γεωργοί). The latter undertook to collect the public taxes (πάντα τὰ δημόσια) of the tenth indiction, apparently for their settlement as a whole, and hand them over to the Apion household at the risk of their own property.[40] Whilst all three are styled *georgoi* (γεωργοί), one of the parties is further described as a scribe (γραμμ(ατεύς)) and another, Aurelius Anoup, as the settlement's *phrontistes*.[41]

The contract reveals what might be described as a system of 'subcontracting of risk' or, more properly, 'assignment of risk' employed on the Apion estates. As already seen, the estate overseers employed by the Apion household to supervise the estate's *epoikia* bore personal liability for the revenues they were expected to collect, including payments of a fiscal character. *P.Oxy.* LXII 4350 establishes that this liability was then passed on to designated inhabitants of the *epoikia*. The concept of full personal liability represented a primary contractual arrangement whereby the household sought to ensure the loyalty and honesty of administrative employee and agricultural worker alike. The document further illustrates the extent to which the *phrontistes* represented a middleman standing between the estate managerial hierarchy and his fellow *epoikion*-residents.

P.Oxy. LXII 4351 renders this system of 'assignment of risk' still more complicated. Before establishing the contract with the Apion household recorded in *P.Oxy.* LXII 4350, the *phrontistes* Anoup and his co-workers would have needed to reach a prior contractual understanding amongst themselves. Essentially, the *phrontistes* and the *georgoi* would have needed to agree, by contract, to a mutual obligation to collect the taxes due from their settlement at mutual risk. *P.Oxy.* LXII 4351 records just such an agreement between the *phrontistes* of the *epoikion* of Pakerke and a group of inhabitants

[40] *P.Oxy.* LXII 4350, lines 1–15. [41] Ibid. lines 6–7.

of the settlement. Between them, *P.Oxy*. LXII 4350 and 4351 record an estate-wide strategy. The *phrontistes* would bind a group of workers from his settlement to him by means of a written contract, ensuring that they would assist him in the collection of taxes. Both the *phrontistes* and the *georgoi* concerned would then promise to pay these taxes to the *pronoetes*, as the representative of the household. The *pronoetes* in turn was contractually obliged to pass this sum on to the Apion estate managers in Oxyrhynchus. As the signatories to *P.Oxy*. LXII 4351 put it: 'we agree, without deceit, fear, violence, guile, compulsion, or any fraud, to accept the risk together with you, the aforesaid *phrontistes* John, and to collect the public taxes of our *ktema* for the present eighth indiction and pay these to the glorious household'.[42]

The mutual liability for the collection of taxes to which the signatories to *P.Oxy*. LXII 4351 agreed, is likely to have been an administrative burden that rotated between individual members of the *koinon* or 'collective' to which all workers resident on the *epoikion* belonged. Indeed, *P.Oxy*. LXII 4351 would appear to have been consented to and witnessed by the *koinon* as a whole.[43] By virtue of such arrangements, the Apion household would have been able to ensure that, in the collection of fiscal revenues, the *pronoetes* was not constantly faced by a hostile and recalcitrant community of peasants, whose common interest in tax evasion had to be overcome. Rather, members of the peasant community were themselves deliberately detached from their ties to their neighbours, and were provided with a very immediate incentive to assist the overseer in the performance of his duties. A vital part of Apion estate management was the constant intrusion of the household, both physically and socially, into the communities from which its labour was derived.

ENGUE – THE CONTRACT OF SURETY

The Apion *homologia* contracts reveal that it was standard practice for the estate to demand that a guarantor be found for those individuals whom it chose to employ. The Apion documents of the *engue*-type (a number of which survive in an almost entirely undamaged state) represent auxiliary contracts established between such guarantors and the household, detailing the responsibilities and obligations for which the principal party had agreed to provide surety. In that many of those vouchsafed for in the extant *enguai* were *georgoi*, the documents provide crucial evidence for the terms

[42] *P.Oxy*. LXII 4351, lines 1–7. [43] Ibid. lines 17–18.

on which agricultural labour was structured and controlled on the Apion properties.

An almost perfectly preserved example of the type is found on *P.Oxy.* I 135, dating from 579, by which Aurelius Pamouthius, lead-worker or *molybourgos* (μολυβουργός) from Oxyrhynchus, agreed to provide surety to the head of the Apion household for a certain Abraham, and his family. Abraham is described in the contract as 'originating from the *ktema* of Megale Tarouthinou, belonging to your magnificence in the Oxyrhynchite nome, registered land-labourer (of your magnificence)' (ὁρμώμενον ἀπὸ κτήματος μεγάλης Ταρουθίνου διαφέροντος τῇ ὑμῶν ὑπερφυείᾳ τοῦ Ὀξυρυγχ(ίτου) νομοῦ ἐναπόγραφον αὐτῆς γεωργόν).[44] It is worth noting at this point that the relationship between the Apion household and its agricultural labourers is described as a direct and personal tie between employee and landowner.

The contract proceeds to describe precisely what was expected of the guaranteed party: Abraham was to 'permanently remain in attendance and abide upon the said *ktema* along with his loved ones and wife and cattle and all his gear, answerable to all (the responsibilities) that pertain to his person or to the condition of a registered agricultural labourer, and that he is by no means to forsake the *ktema* or take himself off elsewhere' (ἀδιαλείπτως παραμεῖναι καὶ διάγειν ἐν τῷ αὐτῷ κτήματι μετὰ τῶν αὐτοῦ φιλτάτων καὶ γαμετῆς καὶ κτηνῶν καὶ πάσης τῆς αὐτοῦ ἀποσκευῆς ἀποκρινόμενον εἰς ἅπαντα τὰ ὁρῶντα τὸ αὐτοῦ πρό[σ]ωπον ἤτοι τὴν τοῦ ἐναπογράφου τύχην, καὶ μηδαμῶς αὐτὸν καταλεῖψαι τὸ αὐτὸ κτῆμα μήτε μὴν μεθ[[ε]]ίστασθαι εἰς ἕτερον τόπον).[45] Finally, the guarantor agreed that if Abraham were to be sought by the Apion household or its representatives, he would produce him in a public place (ἐν δημοσίῳ τόπῳ) or be obliged to hand over 8 *solidi*.[46]

P.Oxy. I 135 provides explicit evidence for the terms on which the inhabitants of the Apion-owned *epoikia* were employed. First, the guaranteed party was retained on an apparently permanent basis, possessing no right unilaterally to end his relationship with the Apion household. Second, this duty to remain on the *ktema* applied not only to the labourer, but also to his family. Third, the *georgos* brought with him his own agricultural implements and cattle, capital items over which the Apion family acquired contractual control. Fourth, the guaranteed party is described as a

[44] *P.Oxy.* I 135, lines 13–15.

[45] Ibid. lines 15–21. In line 16, I read αὐτῷ for the published αὐτοῦ – an emendation supported by the documents that follow.

[46] Ibid. lines 21–9.

'registered land-labourer' or *enapographos georgos*: that is to say, he possessed the legal status of a *colonus adscripticius*.

In addition to *P.Oxy*. I 135, the published Apion papyri record a further ten contracts of surety relating to agricultural labourers. Seven of these refer explicitly to the agricultural workers as *enapographoi georgoi*.[47] One of the remaining documents is too fragmentary to be of much use, whilst the only two sureties in which the agricultural workers are not described as *enapographoi* are both very late in terms of their date of composition, dating from 612 and 620 respectively, by which point the 'adscript' status of the family's workforce may simply have been taken for granted.[48] The contracts of surety establish clearly and irrefutably that the mainstay of the Apion family's agricultural workforce was made up of *coloni adscripticii*.

It might be objected that, if this were the case, the agricultural labourers concerned would have been described as such in the estate accounts. Here we must bear in mind the character of the documents concerned, however. The contracts of surety were legal documents establishing potentially actionable agreements. As such, the legal status and pre-existing contractual relationship of the parties concerned were of supreme significance.[49] The estate accounts, by contrast, were more fully private, their main concern being the sums contributed by and disbursed to the various individuals and groups that comprised the household. The legal and contractual relations upon which these exchanges were based were not relevant. It thus would have been perfectly reasonable to describe an estate employee as an *enapographos* in a contract of surety, but simply as a *georgos* in the estate accounts.

The highly fragmentary *PSI* I 59 would appear to have borne very close resemblance to *P.Oxy*. I 135. The document records one inhabitant of an Apion-owned *epoikion* providing surety that another would 'permanently remain in service and abide on the *ktema*' (ἀδιαλείπτως παραμεῖναι καὶ διάγειν ἐν τῷ αὐτῷ κτήματι) along with his equipment, and, one might infer, his wife, family, and cattle. Likewise, *PSI* I 61 records one *enapographos georgos* providing surety for another. The phraseology of this document is identical to that already encountered. Of particular interest in *PSI* I 61, however, is the fact that the guarantor pledged that in the event of the flight of his neighbour, rather than paying a fine, he would himself meet the

[47] In addition to *P.Oxy.* I 135, see *PSI* I 59, 61, 62, *P.Oxy*. VI 996, XVI 1979, *P.Oxy*. XXVII 2478, and *P.Lond*. III 778.

[48] Too fragmentary: *P.Wash.Univ.* I 26: late date of composition: *P.Oxy*. LXVI 4536 and LVII 3959.

[49] See Borkowski 1994: 86: only free men were capable of legal personality; 96: *coloni adscripticii* were only capable of entering into certain types of legal arrangement.

responsibilities expected of the guaranteed party (ὑπευθύνος εἶναι πάσιν τοῖς πρὸς αὐτὸν ἐπιζητομένοις ἄποκρινασθαι). He would be 'liable' (*hypeuthynos*), a usage of the term clearly related to the references found within the overseers' work contracts to *hypeuthynoi georgoi* (ὑπευθύνοι γεωργοί): 'the land-labourers liable' to the estate's demands.[50] Understanding of the character of the Apion family's agricultural workforce is further advanced by *PSI* I 62. Uniquely, this contract was of only one year's duration, indicating that a core of permanent agricultural labour on the *epoikia* was supplemented by means of additional, more casual employment.

This document provides additional insight into what was expected of the estate *georgoi* beyond residence on the *ktema*. In addition to remaining on the estate property, the guaranteed party was expected 'to sow' and pay his taxes (παραμεῖναι καὶ διάγειν ἐν τῷ αὐτῷ κτήματι καὶ σπείρειν ἐπὶ τῆς παρούσης δευτέρας ἰνδικτιῶνος καρπῶν τρίτης ἰνδικτιῶνος καὶ πληρῶσαι τὰ δημόσια).[51] As seen in chapter two, *P.Wash.Univ.* II 102 records an obligation incumbent upon inhabitants of various Apion-owned *epoikia* to sow the estate 'in-hand' or *autourgia*. This may be what is being referred to in the general obligation 'to sow' recorded in *PSI* I 62. On this interpretation, the *georgos* was obliged to reside on the *ktema*, provide general labour services on the *autourgia*, and pay his taxes. The document provides a working definition of the terms on which the Apion *georgoi* were employed.

This picture is confirmed by *P.Oxy*. XXVII 2478. The contract dates from 595/6, and consists of an agreement on the part of a certain Zacharias that he would provide surety for 'Aurelius Pambechius, son of Paul and Thekla, originating from the *epoikion* of the *ktema* of Athlitos of your magnificence, in the Oxyrhynchite nome, (your magnificence's) registered garden-farmer'(Αὐρήλιον Παμβήχιον, υἱὸν Παύλου, μητρὸς Θέκλης, ὁρμώμενον ἀπὸ ἐποικίου Ἀθλίτου κτήματος τῆς ὑμῶν ὑπερφυείας τοῦ Ὀξυρυγχίτου νομοῦ ἐναπόγραφον αὐτῆς πωμαρίτην).[52] The line that follows contains a frustrating lacuna, but Zacharias pledged to ensure firstly that Pambechius would 'remain in service and reside on the . . . landowner's orchard and nurture and cultivate' (παραμεῖναι καὶ διάγειν ἐν τῷ . . . . . αὐτῶν γεουχικῷ πωμαρῷ καὶ πᾶσαν φιλοκαλίαν καὶ

[50] *PSI* I 61, lines 31–4. Similarly, in *PSI* I 62 the guarantor pledged that, if he failed to produce the vouchsafed third party, he would ὑπεύθυνος εἶναι πᾶσιν τοῖς πρὸς αὐτὸν ἐπιζητουμένοις ἀποκρίνασθαι. The phrase ὑπεύθυνοι γεωργοί thus was deployed within the overseer's work contracts rather than simply γεωργοί or ἐναπόγραφοι γεωργοί for the reason that, in the event of the flight of the latter – such as is recorded in *P.Oxy*. XVI 2055 – others would have been liable for the sums owed.

[51] *PSI* III 162, lines 17–19. [52] *P.Oxy*. XXVII 2478, lines 7–16.

καλλιέργειαν); secondly, that he would pay the charges to which he was liable (εὐγνωμονεῖν τὸν ὑπὲρ αὐτοῦ φόρον), and thirdly meet 'all the landowner's labour services customarily provided by him' (τ]ὰς διδομένας παρ' αὐτοῦ ἐξ ἔθους γεουχικὰς ὑπερησίας πάσας).[53] In the event of his being unable to produce Pambechius as and when required, Zacharias pledged to meet out of his own pocket the rents due on the orchard that Pambechius had tended (οἴκοθεν [ὑπ]ὲρ αὐτοῦ πληρῶσαι τὰ ἐκφόρια τοῦ αὐτοῦ γεουχικοῦ πωμαρίου).[54] Pambechius was thus expected to inhabit and cultivate an estate landholding, to pay the dues associated therewith, and to agree to what would appear to have been general estate labour services. Once again, it would be logical to associate the latter with labour on the *autourgia*.

The unspecified extent of the 'landowner's' or 'estate' services recorded in *P.Oxy*. XXVII 2478, and the 'sowing' described in *PSI* I 62 is significant. This lack of specificity as to the labour services expected of the Apion family's agricultural workers provides evidence for an in-built fluidity and flexibility of labour arrangements on the Apion estates, such as would have permitted the household to adjust its strategies and requirements according to the exigencies of the moment. At times when labour on the *autourgia* was at a premium, the Apion household's estate managers would have been able to impose a maximalist reading of 'estate services'; at times of less pressing need, by contrast, the contract would have permitted Pambechius to spend rather more time on the orchard on which he paid rent. Except in circumstances of extreme labour shortage, the estate overseer is likely to have been in a far stronger position than the agricultural worker to define what labour services were 'customary'.

It should be noted, of course, that only certain of the Apion contracts of surety make explicit mention of the labour required of the estate's agricultural workforce. This feature of the documentation is, however, readily explicable. Once again, an explanation is to be found in the technicalities of sixth-century imperial law. As has been noted, most of the agricultural labourers encountered in the Apion contracts of surety bore the legal designation of *enapographoi*. As will be seen in chapter nine, the *enapographos georgos* was bound by imperial law to work his master's land. The description found in the rest of the contracts of surety, of the vouchsafed parties having agreed to be 'answerable to all that pertains to the condition of an *enapographos*', would therefore have been understood to have included

[53] Ibid. lines 16–21. [54] Ibid. lines 21–8.

the labour component recorded separately in *P.Oxy*. XXVII 2478 and *PSI* I 62.

The contractual papyri belonging to the Apion archive thus demonstrate that agricultural labour was bound to the estate in three ways. First, a direct contract of employment was made between the household and the individual worker (although no self-standing example of such a contract relating to Apion *georgoi* has yet been published). This contract was then reinforced by means of a contract of surety. In return for having bound himself to the estate, the agricultural worker was then granted access to the resources of the *ktema* by means of a lease such as that recorded on *P.Oxy*. LXVII 4615. Although the agreement to remain on the estate was commonly a permanent one, the rights that the labourer enjoyed with respect to his allotment on the *ktema* were highly insecure: thus *P.Oxy*. LXVII 4615 was of only one year's duration. By means of this twin strategy, the Apion household was able to secure for itself a pool of permanent labour whilst also disciplining its workforce through precariousness of tenure.

As has just been noted, no direct, self-standing, contract of employment between the Apion household and a *georgos* has yet been identified. The contracts of surety do, however, enable us to delineate not only the general contours of the prior contract of employment made between landowner and labourer, but also the form this contract is likely to have taken. In every instance, as has been seen, the contracts of surety relating to agricultural labourers record that they were obliged to 'remain in service' or '*parameinai*' (παραμεῖναι) upon the estate property. This would suggest that the *georgoi* were employed by means of a type of contract with an ancient pedigree in the Near East, the 'contract of personal attendance' or *paramonar* contract.[55] Thus, as seen in chapter two, in *P.Oxy*. LVIII 3960, we find *paidaria* employed on the Apion estates expressly contrasted with other workers described as 'free *paramonarioi*' (παραμονάριοι ἐλέυθεροι), workers of a non-servile condition bound by paramonar contracts. Whether these workers were permanent *enapographoi georgoi*, or casual labourers employed by the estate, is not, however, clear.

This combination of a direct contract of employment between an individual worker and the Apion household, followed by a contract of surety, was also used with respect to artisanal labour. So, for example, whilst *P.Oxy.* LI 3641 records a millstone-cutter to have been retained by the household by means of a direct contract of employment, so too does *P.Oxy*. XXIV 2420

[55] See Samuel 1965: 221–311.

preserve details of the Apion estate having received surety from a *chartularios* that two gold-workers or *chrysochooi* (χρυσοχώοι) would provide their services as and when required.[56]

CHEIROGRAPHIA – THE DEED OF RECEIPT

Further evidence for the terms on which the Apion household's agricultural workers were employed emerges from the deeds of receipt contained within the archive, which generally bear the designation of *cheirographiai*. These documents often consist of statements made by workers, once again, typically bearing the legal status of *enapographoi georgoi*, acknowledging that they had received items of irrigational machinery from the household.[57] As such, the documents confirm that whilst the *georgoi* of the Apion labour settlements frequently owned their own agricultural tools and livestock, the household provided major capital requirements for agriculture upon the *ktemata*, especially for mechanically irrigated cultivation.

P.Oxy. XXXVI 2779 may be taken as a model example of the *cheirographia*-type. The deed is dated to 530 and was made on behalf of a certain Aurelius Epimachus, 'also called Apima', from the *epoikion* of Panguleeion.[58] Apima declares:

> The need having now arisen to require one axle for the landowner's water wheel under my charge (εἰς τὴν ὑπ' ἐμὲ γεου[χ]ικὴν μηχανὴν) which is called 'five arouras' and supplies water to vine land and arable land, I went up to the city and asked your magnificence to order that the said axle be provided to me. And straight away your magnificence, having regard for the condition of your property, gave me the said axle through Moison, *oiketes* (οἰκέτης) of the said most magnificent man, a new one, serviceable, suitable for irrigation and most satisfactory. I received it as completion of all the irrigation implements this very day . . . The old axle was brought in and given to the great household of the landowner (δοθέντος εἰς τὴν μεγάλην γεουχικὴν οἰκίαν). In declaration of the receipt I have made this deed (χειρογραφία) which is valid written as a single copy and in reply to the formal question I gave my assent.[59]

P.Oxy. XVI 1983 preserves a similar deed acknowledging the receipt of milling implements for an estate mill or *geouchikon mylaion* (γεουχικὸν

[56] *P.Oxy*. XXIV 2420, lines 1–14 – dating from 614. The gold-workers, like the *georgoi*, were obliged to παραμεῖναι within the village of Seruphis. See lines 1–14.

[57] For *enapographoi* see *P.Oxy*. XVI 1982, XXXVI 2779, *P.Oxy*. XVI 1985, *P.Lond*. III 775, *P.Oxy*. I 202, *P.Lond*. III 774, *P.Oxy*. I 137, *P.Oxy.* XVI 1988, *P.Oxy*. XVI 1989, *P.Oxy.* XVI 1990, *PSI* I 60, *P.Oxy*. XVI 1991. The recipients are not described as *enapographoi* in *P.Oxy*. XVI 1984, *P.Lond*. III 776, *P.Oxy.* XVI 1987, and *PSI* III 179. See the excellent article by Tacoma 1998: 123–30.

[58] *P.Oxy*. XXXVI 2779, lines 1–9.

[59] Ibid. lines 9–24.

μύλαιον) located on a *ktema*.[60] The contract dates from 535 and concerns Aurelius Victor from the *epoikion* of Mikra Tarythis, who describes himself as brother to the *phrontistes*.[61] This document confirms the collective nature of much production on the *ktema*. Thus the mill in question is described by Victor as being 'under my charge and that of my fellow *georgoi* of the same *ktema*' (ὑπ' ἐμὲ καὶ τοὺς ἄλλους σὺν ἐμοὶ ὁμοκτηματικοὺς γεωργούς).[62]

Amongst the more fragmentary deeds found within the Apion archive are three (*P.Oxy.* I 137, XVI 1988, and XVI 1989) which provide additional evidence for the credit system operative on the estate and, crucially, the role it played in the day-to-day life of the household's agricultural workforce.[63] *P.Oxy*. I 137, dating from 584, consists of an acknowledgement given by a *georgos* named Aurelius Ptollion that he had received an axle for a water wheel. The document stands out from those already examined, however, in terms of the detail it provides of the procedure whereby the new axle was issued: for Ptollion states that the price of the wheel was 'credited to me in the cheques (*pittakia*)' (κατελογίσατό μοι ἐν τοῖς πιττακίοις).[64] Ptollion was thus provided with the wherewithal to buy the axle by the Apion household. The *pittakion* was presumably handed over by Ptollion to whoever was responsible for issuing or selling the machinery. *P.Oxy*. XVI 1988, dating from 587, also acknowledging the receipt of a water-wheel axle, records that the *georgos* in question had purchased a replacement and that 'its price was credited to me in my *pittakia*' (τὴν ὑπὲρ αὐτοῦ τιμὴν κατελογίσατό μοι ἐν τοῖς ἐμοῖς πιττακ[ί]οις).[65] The same procedure is recorded in another document dating from 590/1.[66] The use of estate cheques or credit notes evidently extended even to the level of the *georgoi* resident in the estate *epoikion* settlements. The Apion household clearly formed a fully monetised enterprise.

The chronologically earliest example of the *cheirographia*-type to have been published from the Apion archive is *P.Oxy*. XVI 1982, yet again, relating to a water wheel, and dating from 497.[67] The document is unusual, in that it essentially combines a deed of receipt with what effectively amounts to a direct contract of employment. Indeed, it is currently the closest we get to a fully-fledged direct contract of employment between landowner and labourer, although, as seen above, such contracts

[60] *P.Oxy*. XVI 1983, line 11. [61] Ibid. lines 6–10. [62] Ibid. lines 10–11.
[63] *P.Oxy*. I 137, *P.Oxy*. XVI 1988, 1989. Note also *P.Oxy*. XVI 1990. [64] *P.Oxy*. I 137, line 19.
[65] *P.Oxy*. XVI 1988, lines 23–5.
[66] *P.Oxy*. XVI 1989, lines 17–18 – only here the word used for cheques is ἐντάκιοις. For the interchangability of these words, see Hardy 1931: 98. That this practice was not uniform, however, is established by *PSI* I 60, dating from 595.
[67] *P.Oxy*. XVI 1982.

of employment are implicit in the testimony of the contracts of surety. The final lines of *P.Oxy*. XVI 1982 record that the principal party – Aurelius Joseph – agreed to 'happily perform the irrigation and water (the holding), and meet the rent and to attend to all that is owed to the landowner's account' (τὰς ἀντλήσεις καὶ ὑδροπαροχείας ἀμέμπτως ποιεῖσθαι καὶ τοὺς φόρους εὐγνωμ[ο]νεῖν καὶ ὑπακούειν εἰς ἅπαντα τὰ ἀνήκοντα τῷ γεουχικῷ λόγῳ).[68] Once again, we should note the highly generalised terms in which Joseph's labour is described.

CONCLUSION

The Apion contractual papyri confirm the essential details concerning the economic structure of the family's Oxyrhynchite landholdings emergent from the estate accounts, whilst also providing important insights into the manner in which both agrarian and non-agrarian interests were administered, and the household's supervisors, artisans, and labourers were employed. In terms of the economic structure of the household, the contractual papyri enable us to distinguish between three different types of property owned by the family: first, property that was directly managed, such as the *autourgia*; second, property that was leased out, such as the *ktemata* or the family's village properties; third, primarily urban or suburban property that was 'contracted out', such as the estate shops and warehouses, or the household stables.

As for estate management itself, the contractual papyri reveal a number of points. Foremost amongst these is the practice of the estate having issued its employees with 'cheques' or 'credit notes' which could be exchanged for small-denomination coinage, indicative, as stated, of a very high degree of monetisation on the estates. The estate overseers emerge as individuals of relatively high social rank, frequently associated with the Church. They were employed on a yearly basis, and were carefully scrutinised in their dealings with the agrarian workforce by a body of central household employees called *chartularioi*. The honesty of the *pronoetai* was ensured by means of what amounted to a quite sophisticated auditing framework based upon comparison of the schedule of demands issued to the estate overseer, the accounts submitted by him, and the receipts and chitties issued by him to the estate labourers.

At the same time, the contracts illustrate the important role played within the *epoikion* by the figure of the *phrontistes*, whose responsibilities included

[68] Ibid. lines 20–1.

facilitating the duties of the overseer by organising bands of *georgoi* to assist him in the collection of taxes. One suspects that similar arrangements operated with respect to the estate oil-mills, bakeries, and suchlike associated with the *ktema*, and those lands cultivated by the *koinon* or collective of land-labourers and vine-dressers attested in the sources. The contractual papyri thus add much to our understanding of the internal configuration of responsibilities within the *epoikion*, so confusingly represented within the estate accounts. At each and every level, the household sought to ensure the honesty of overseers, foremen, and agricultural labourers alike, by rendering them personally liable for the sums and revenues which they were to collect or contribute. At the same time, the household commonly demanded guarantors for those whom it employed. In relation to agricultural labourers, such guarantors were themselves often members of the *epoikion* communities. Through obtaining such sureties, the Apion household once again implicated other members of the estate settlements or of local society in the management of the family estates, thereby fissuring the horizontal solidarities and social ties of potentially hostile dependants, employees, neighbours, and kin groups.

The use of such sureties with respect to artisanal and agricultural labour is particularly significant. Artisans were employed on a permanent basis: initially via a direct contract of employment made with the household, and secondly by a contract of surety made with a third party. The same arrangement operated with regard to agricultural labour. A direct contract was reinforced by means of a contract of surety with a third party to ensure the 'paramonar' residence of the cultivator concerned: without such an agreement, no *ktematic* land would be put out to lease. The use of contracts of surety provides eloquent testimony of the absolute determination of the Apion household to maintain the tightest possible degree of control over its workforce, a determination suggestive of a certain amount of resistance on the part of its labourers.[69] As Justinian's *Institutes* state, guarantors (*fideiussores*) were invoked by stipulators anxious for greater security (*ut diligentius sibi cautum sit*).[70] That, as the contractual papyri demonstrate, the agricultural labourers employed on the Apion estates bore the legal status of *enapographoi georgoi* or *coloni adscripticii* is also relevant in this respect. For, as will be seen in chapters eight and nine, this would have meant that they were bound to reside upon and cultivate the Apion estates not only by means of private contractual arrangement, but also by imperial

69 Note, once more, the testimony of *P.Oxy.* XVI 2055 concerning the flight of agricultural labourers to an imperial estate.

70 *J.Inst.* 3.20.

law. The contractual papyri confirm that in addition to being obliged to reside upon the *ktemata* along with their families, and to pay the rental dues and taxes expected of them, the agricultural workers agreed to provide labour services to the estate.

Lastly, the contractual papyri reveal the highly formalised character of dealings between the Apion household and its employees, and the household's extraordinary dependence upon written legal instrument. Certainly, this feature is indicative of the highly standardised and professional character of Apion estate management. But, perhaps most instructively, it would also suggest that legal proceedings, or at least the threat thereof, played a major part in social relations in the region around Oxyrhynchus at this time. Thus whilst imperial law was not necessarily to be adhered to, its terminological subtleties were nevertheless carefully observed.

CHAPTER 4

Letters and petitions: social relations in the sixth-century Oxyrhynchite

ESTATE STRUCTURE AND THE CONDITION AND ORGANISATION OF LABOUR

The contractual papyri and estate accounts enable us to delineate the economic structure of the Apion family's Oxyrhynchite landholdings in the sixth century and the terms on which certain at least of the household's workers and administrators were employed. It is through the epistolary papyri and petitions that survive from the archive, however, that we gain our most vivid insights into the reality of life on the Apion estates.[1] This is particularly the case as regards the condition and organisation of labour. The estate accounts and contractual papyri, for example, can be seen to convey some sense of the highly insecure position of the Apion *georgoi* with respect to the lands of the *ktemata* that they rented from the household. But nothing illustrates the full extent of this insecurity more eloquently than *P.Oxy*. XVI 1941, a letter dating from the fifth or sixth century and written to a *georgos* by the name of Praous, resident on the *epoikion* of Adaeus.[2] The letter is written by Serenus, who was probably either a *pronoetes* or the *phrontistes* in charge of production on Praous' settlement.[3] Praous is curtly ordered to leave the irrigated plot that had been assigned to him

[1] For epistolary papyri, see, in chronological order: *P.Oxy*. XVI 1932, XVI 1829, XVI 1941, XVI 1830, I 128, *P.Wisc*. II 67, *P.Oxy*. I 156, I 157, I 158, I 177, VI 943, XVI 1844, XVI 1846, XVI 1854, XVI 1847, XVI 1853, XVI 1845, XVI 1848, XVI 1937, XVI 1849, XVI 1850, XVI 1851, XVI 1852, XVI 1855, XVI 1856, XVI 1860, XVI 1940, XVI 1936, XVI 1925, XVI 1857, XVI 1858, XVI 1859. For petitions, in chronological order, see: *SB* XX 14091, *P.Oxy*. L 3584, L 3585, L 3586, LXVII 4614, and XVI 1886 and XXVII 2479.

[2] *P.Oxy*. XVI 1941, line 2. The ἐποίκιον Αδαίου is recorded as an Apion property in the overseer's work contract *P.Oxy*. I 136, lines 16 and 44. The Serenus involved in the latter would not appear to be the same as in the former – although it is interesting that the Serenus in *P.Oxy*. 1941 is described as γενομένου πρεσβυτέρου (line 5), whilst the Serenus of *P.Oxy*. 136 is described as διάκονος (line 7). Once again, we are alerted to the close prosopographical ties binding the Apion household and the Church.

[3] *P.Oxy*. XVI 1941, lines 3–5.

(ἀποστῆναι τῆς γεωργίας μηχανῆς) so that it could be given 'to another *georgos* for lease' (ἑτέρῳ γεωργῷ ἐπὶ μισθώσει).[4]

Quite why Praous was dismissed from his tenancy is not clear. Perhaps he had fallen into arrears with his rent. Certainly, the petitions record that indebtedness could carry dire consequences. *P.Oxy*. I 130, for example, preserves a petition addressed to Flavius Apion III from Anoup, who describes himself as Flavius Apion's 'miserable slave' (ἐλεεινὸς δοῦλος) from the *ktema* of Phakra.[5] Anoup states:

No injustice or wickedness has ever attached to the glorious household of my kind lord, but it is ever full of mercy and overflowing to supply the needs of others. On account of this, I the wretched slave of my good lord, wish to bring it to your lordship's knowledge by this present entreaty for mercy that I serve my kind lord as my fathers and forefathers did before me (ὡς ἐκ πατέρων καὶ ἐκ προγόνων) and pay the taxes (τὰ δημόσια) every year. And by the will of God in the past eleventh and tenth indictions my cattle died, and I borrowed the not inconsiderable amount of 15 *solidi* so as to be able to buy the same number of cattle. Yet when I approached my kind lord and asked for pity in my straits, those belonging to my lord refused to do my lord's bidding. For unless your pity extends to me, my lord, I cannot stay on my *ktema* and fulfil my services with regard to the properties of the estate (χρησιμεῦσαι τοῖς γεουχικοῖς πράγμασιν). But I beseech and urge your lordship to command that mercy be shown to me because of the disaster that has overtaken me.[6]

Likewise, in *P.Oxy*. XXVII 2479 we hear of an *enapographos georgos* from the *epoikion* of Kinea, which appears in *P.Oxy*. XVI 1915 as an imperial property administered by the Apion family.[7] By the date of composition of the petition, however, it would seem that the *epoikion* had been fully integrated into the Apion estates.[8] Pieous informs his master that three years prior to the composition of the petition his cattle too had died.[9] As a result, he had been unable to pay the *pronoetes* what was expected of him.

[4] Ibid. lines 6–10.

[5] *P.Oxy*. I 130, lines 1–4. The document may be dated to the mid sixth century on the basis that Apion is addressed (line 2) as *patricius* and *dux* of the Thebaid – a post which Apion III apparently held *c*. 549/50, see *P.Oxy*. XVI 1928. Gascou has dated the petition to 548–9, see Pestman and Rupprecht 1992–8: VIII, 232.

[6] *P.Oxy*. I 130, lines 5–19.

[7] *P.Oxy*. XVI 1915 – dating from 560 – lines 11 and 19.

[8] This is on the presumption that the δεσπότης invoked in *P.Oxy*. XXVII 2479, line 1 was the head of the Apion family, rather than the emperor, in which case one might have expected a somewhat fuller and more elaborate descriptive address than τῷ ἐμῷ ἀγαθῷ εὐεργ(έτῃ) (καὶ) δεσπ(ότῃ). That this δεσπότης rather than a third party owned the estate in question is suggested by the fact that Pieous describes himself as *his* γεωργὸς ἐναπόγραφος (line 7). If the identification is correct, the document should be dated to after 560. Note the various minor emendations to this document suggested in Pestman and Rupprecht 1992–8: VIII, 259 and 1992–8: X, 149.

[9] *P.Oxy*. XXVII 2479, line 8.

The *pronoetes* responded to this by seizing his belongings.[10] Accordingly, Pieous fled the holding.[11] Pieous goes on to beg that he be permitted to return to the *ktema* without punishment.[12] Formerly, he declares, in what seems to be a reference to labour on the *autourgia*, 'I sowed so that in turn I would be able to work on the *ktema* and bring up my poor children.'[13] All he wished was to be able to do so again.

Confronted with catastrophe, Pieous and Anoup thus threw themselves upon the mercies of the Apion household. Prior to these hard times, however, neither were poor – both *georgoi* had previously owned a substantial number of cattle, indicating a relatively high degree of prosperity. The letters and petitions again indicate that though chronically insecure, the Apion workforce was far from uniformly pauperised, although poverty there clearly was. We should also note that Anoup describes his family as having worked on the Apion estates over several generations, that is to say, they formed part of that pool of permanent agricultural labour that we can see the Apion household seeking to establish and maintain through the contracts of surety.

The use of such contracts of surety to discipline and control the estate workforce is illustrated by *P.Oxy*. I 158. In this letter, an estate officer bearing the title of 'landowner's representative' or *antigeouchos* (ἀντιγεοῦχος) writes to the *comes* Cosmas, ordering him to ensure that the 'head man' (*meizon*/μείζων) of Tampeti take surety (λαβεῖν τὸ ἀσφαλὲς) for two brickmakers from his village 'so that they do not flee again and leave the work half done'.[14] The *meizon* would appear to have played a role within the *kome* analogous to that of the *phrontistes* with respect to the *epoikion*.

Part of the insecurity of the Apion *georgoi* as revealed by the estate accounts resulted from the way in which they were moved between estate properties according to the requirements of the household and, in particular, the *autourgia*. This practice is also recorded in the epistolary papyri. The Apion archive preserves, for example, a letter addressed to the *antigeouchos* by one of the household secretaries, or *chartularioi*: the *chartularios* in question would appear to have been overseeing wine production on the estate *autourgia*. He writes to his superior asking that the labourers he was supervising be allowed to finish the task in hand, before being moved on to work elsewhere:

[10] Ibid. lines 22–3. [11] Ibid. lines 6–10. [12] Ibid. lines 14–15.

[13] Ibid. lines 16–17: ἔσπειρα ὅπως ἐφεξῆς δυνηθῶ ἐργ[ά]σασθαι ἐν τῷ] αὐτῷ κτήματι. Note *P.Wash.Univ*. II 102 – Apion *georgoi* required εἰς κατασπορὰν τῆς γεουχικῆς αὐτουργίας.

[14] *P.Oxy*. I 158: ἵνα μὴ πάλιν φύγωσιν καὶ ἐάσωσιν τὸ ἔργον ἡμίσεον (lines 3–4).

I call upon my good master, if it is possible, to order that Pambechius and his companions from Seruphis be spared today and tomorrow, until they finish their share of the estate wine yield (τὴν γεουχικὴν ῥύσιν), since they began today to harvest their vineyard; for they are producing a great yield of wine. But by God who aids them, since I have no other task here, except only that they shall draw off all their yield, I am returning to the feet of my lord. For if they return, I am stuck here.[15]

HOUSEHOLD ADMINISTRATION

In addition to illustrating aspects of life on the Apion estates already encountered in the contractual papyri and accounts, the letters that we possess from the archive provide further evidence concerning the administration of the family's properties. The most striking feature to emerge is the active interest in the administration of the estates shown by members of the family itself. *P.Mert.* II 96, for example, records a letter written to an estate overseer concerning the *epoikion* of Pempo, formerly an imperial property administered by the family over which the Apiones had come to exercise full proprietary rights. The overseer is ordered to 'have the goodness to grant a respite to the people of Pempo and return to the city'.[16] On the *verso*, the letter is signed 'from the landowner' (πα(ρὰ) τοῦ γεούχου).

The direct involvement of members of the Apion family in the management of its estates is confirmed by a number of the non-epistolary papyri: the fragmentary estate account *P.Oxy.* XVI 1913 records a charitable payment made 'on the order in writing of our lord the *consul*' (ἐκ κελεύσ(εως) ἀπὸ γραμμ(άτων) τοῦ δεσπότ(ου) ἡμῶν τοῦ ὑπάτου).[17] The same formula is found in *P.Oxy.* XVI 1911 – as is the phrase 'on the order of our lord the *patricius* Strategius' (κατὰ κέλευσιν τοῦ δεσπότου ἡμῶν τοῦ κύρου πατρικίου Στρατηγίου).[18] The latter description is of particular interest given that *P.Oxy.* XVI 1911 is datable to the year 557, when the head of the family was Flavius Apion III. The Strategius mentioned in *P.Oxy.* XVI 1911 is described as if he were alive – in which case he should be identified with Apion III's son and successor, Flavius Strategius IV. This would suggest that during the absence of the head of the Apion family in Constantinople or elsewhere, other family members took an active part in the affairs of the

[15] *P.Oxy.* XVI 1859, lines 1–7. This belongs to the 'George–Victor' series (see below), and thus can be dated to the second decade of the seventh century. See also *P.Oxy.* XVI 1896 for an agreement between the Apion household and the inhabitants of the ἐποίκιον of Leo, that 3,000 jars of wine be provided εἰς λόγον τῆς γεουχικῆς αὐτῆς ῥύσεως (line 16, 'on account of the landowner's vintage').

[16] *P.Mert.* II 96, line 1 and *verso*. For the κτῆμα of Pempo, see *P.Oxy.* XVI 1915, lines 1, 15, and 24.

[17] *P.Oxy.* XVI 1913, lines 8–9.

[18] *P.Oxy.* XVI 1911, lines 148 and lines 150–1.

estate. Indeed, we might even imagine that Strategius IV's involvement was part of his being 'trained up' for ultimate leadership of the family. Even residence in Constantinople did not preclude a continuing interest in the management of the family's distant Egyptian estates. *P.Oxy*. LXIII 4397, dating from 545, records Flavius Strategius III, though in the imperial capital, to have brokered the settlement of a land dispute between the Apion household and an Oxyrhynchite monastery.[19]

The head of the Apion family – or in certain circumstances, perhaps, his eldest son – thus stood at the *apex* of the estate's administrative hierarchy. In terms of the day-to-day running of the Apion family's Oxyrhynchite properties, however, the chief administrative figure was the *antigeouchos*, who ultimately oversaw the management of the household in all its complexity. The Apion *antigeouchos* was evidently a figure of some importance in local society. In a letter written to an estate administrator by the *defensor civitatis*, or chief imperial legal officer of Cynopolis, for example, the *antigeouchos* Victor is described as 'our common lord the most glorious and illustrious *antigeouchos*' (τῷ κοινῷ δεσπότῃ τῷ ἐνδοξ(οτάτῳ) ἰλλ(ουστρίῳ) καὶ ἀντιγεούχῳ).[20] The Greek epithets used – *endoxotatos* and *illoustrios* – were technical terms of rank used to designate members of what has been described as the '*haute noblesse*' of East Roman society.[21] They are unlikely to have been used by an important imperial official simply for effect.[22]

The *antigeouchos* is attested in the epistolary papyri to have taken an active interest in matters as diverse as the direction of labour between estate properties, the sanctioning of the issuing of payments to estate workers, and the prevention of assaults on estate landholdings and possessions.[23] In the early-seventh-century *P.Oxy*. XVI 1845, for instance, the *antigeouchos* Victor wrote to his subordinate colleague, the *comes* George, 'behold, I have sent the son of Abraham . . . along with his cheques (μετὰ τῶν πιττακίων αὐτο[ῦ]). Will your true brotherliness make up his account (ποιήσῃ τὸν λόγον αὐτοῦ)?'[24] In *P.Oxy*. XVI 1853 Victor informed George that a guard had been posted to the village of Pinuris to fend off the incursions of its neighbours.[25] In *P.Oxy*. XVI 1854 Victor again wrote to George that 'I have

[19] *P.Oxy*. LXIII 4397. See the detailed introduction to this text written by Rea, ibid. 147–9.
[20] *P.Oxy*. XVI 1860, line 6. [21] Banaji 2001: 253.
[22] For the post of *defensor civitatis* see A. H. M. Jones 1964.
[23] See *P.Oxy*. XVI 1859 (direction of labour), 1845 (payment of wages), and 1853 (assault on estate property).
[24] *P.Oxy*. XVI 1845 – identified palaeographically by the editors as late sixth or early seventh century. This letter belongs to the so-called 'George–Victor' series which may be dated to the second decade of the seventh century on the basis of *P.Oxy*. I, 152 and 153, *P.Oxy*. XVI 1904, 2010, and 2011, and most recently (dating from 611) *P.Oxy*. LVIII 3954. See Hardy 1931.
[25] *P.Oxy*. XVI 1853.

delivered the stableman to the accursed young men in order that they may give him the horse which they took and he may return . . . with it; and I think that the new wine has already blinded them also.'[26] Clearly, Victor's responsibilities were as wide-ranging as they were exasperating. These duties obliged him to travel between Apion properties, a task that was not always to Victor's liking. It was probably on one such occasion that he wrote to the estate *meizoteros* (μειζότερος): 'Will your true brotherliness have the goodness to send me the occasional bunch of asparagus? For the greens here are rotten and disgust me.'[27]

Beneath the level of the *antigeouchos* we find the figure of the *chartularios kai dioiketes* (χαρτουλάριος καὶ διοικητής) or administrative secretary, once again shouldering general responsibilities, but in particular overseeing the collection of estate revenues, and the movement and organisation of both agricultural and artisanal labour.[28] In one letter he is ordered to send an escort to meet up with a money-changer whom the *antigeouchos* wished to send to Alexandria.[29] In another letter he is instructed to let a woman take away some slaves;[30] and in a third to 'have the damaged fishing-boat of which you speak repaired, since, as you say, its rudder is broken'.[31]

Like the *antigeouchos*, the *chartularios kai dioiketes* was of high social standing. The *dioiketes* George, with whom the *antigeouchos* Victor corresponded, bore the title of 'count' or *comes* (κόμες/κόμης) and the epithet 'most magnificent' or *megaloprepestatos* (μεγαλοπρεπέστατος), a title also used of provincial governors.[32] Alongside the likes of George stood the office of the *meizoteros* (μειζότερος) encountered above. As with all the high-ranking employees, the *meizoteros* operated within a wide sphere of administrative responsibility, but was primarily in charge of the maintenance of the central household's stores and supplies, and the provisioning in kind of the workforce and his fellow administrators.[33] In *P.Oxy*. XVI 1851 we see the *meizoteros* being informed by the *antigeouchos*, 'As I have sent you the soldier George on my commission, will your true nobility go into the store-chamber and from the Megarian vat of Rhodian wine fill one

[26] *P.Oxy*. XVI 1854, lines 1–3.
[27] *P.Oxy*. XVI 1849, lines 1–2. For travel, see *P.Oxy*. XVI 1855. One assumes that had Victor not been travelling, he would not have needed to have the asparagus sent to him.
[28] For the seniority of the ἀντιγεοῦχος to the διοικητής, see Hardy 1931: 85–6 and *P.Oxy*. XVI 1844 and 1854, in which the former addresses instructions to the latter – in the case of 1854 in somewhat minatory tones. The involvement of the διοικητής with monetary and fiscal affairs is attested in *P.Oxy*. XVI 1844, 1847, 1848, 1856, and 1860; with the payment of wages in *P.Oxy*. XVI 1845; he is further described as responsible for the repair of estate boats in *P.Oxy*. XVI 1846.
[29] *P.Oxy*. XVI 1844.
[30] *P.Oxy*. XVI 1847, lines 1–4.
[31] *P.Oxy*. XVI 1846, lines 1–3.
[32] See *P.Oxy*. XVI 1855, *verso* and 1856, *verso*. Note Banaji 2001: 254, however, who suggests that by the seventh century the title had 'probably lost its aristocratic connotation'.
[33] See *P.Oxy*. XVI 1849, 1851.

ceramion . . . and send it to me by him'.[34] The *meizoteros* with whom the *antigeouchos* Victor corresponded is addressed as *comes*, his 'magnificence' or *megaloprepeia* (μεγαλοπρεπεία), and, as just seen, 'nobility' – *lamprotatos* (λαμπρότατος).[35] Once again, the latter was a technical designation which, by the seventh century, was held by members of the lower ranks of the senatorial order.[36] All three of these higher-level estate officers and administrators were thus men of some substance, and we see them addressing one another in terms of considerable familiarity, such as 'your dear brotherliness' (ἡ ὑμετέρα γνησία ἀδελφότης).[37]

Answerable to the *chartularios kai dioiketes* was a body of lesser *chartoularioi* (χαρτουλάριοι). These *chartularioi* oversaw a certain amount of agricultural production (including, apparently, on the *autourgia*), the issuing of wages to labourers, and the supervision of the *pronoetai*.[38] In *P.Oxy*. XV 1845 the *antigeouchos* Victor asks that a group of *chartularioi* be prevented from defrauding an estate employee whom he has sent to them with his cheques or *pittakia*.[39] Alongside these administrators we should probably place the *trapezitai* (τραπεζιταί), who received all net monetary revenues from the *pronoetai*; the *embolator* (ἐμβολάτωρ), or *demosios nautes* (δημόσιος ναύτης), who took charge of the Apion family's share of the imperial *embole* (ἐμβολή), or corn supply; and the wine steward, or *oinocheristes* (οἰνοχεριστής), who oversaw the receipt and disbursement of the produce of the household's vineyards.[40]

With this body we reach the outer limits of the central Apion secretariat in Oxyrhynchus. Next, as the estate accounts and contractual papyri reveal, we encounter the *enoikologoi*, subcontractors of the Apion family's urban properties, doubling as cashiers exchanging credit notes for coinage as and when required, and the *pronoetai* who oversaw the collection and assigned expenditure in wheat and coin of the revenues derived from the Apion family's village holdings and *epoikia*. These estate overseers were of lower social standing than the likes of George and Victor, but were nevertheless drawn from the ranks of relatively respectable Oxyrhynchite society and, as seen earlier, were frequently associated with the Church. Beneath the *pronoetai* were the chief representatives and foremen of the village communities and

34 *P.Oxy*. XVI 1851, lines 1–4. 35 See *P.Oxy*. XVI 1857, *verso* and *recto* line 1 and 1851 line 5.
36 Banaji 2001: 252. 37 *P.Oxy*. XVI 1849, line 1.
38 For supervision of the προνοηταί, see the overseer's work contract *P.Oxy*. I 136, line 17. For the issuing of wages, see *P.Oxy*. XVI 1845. For the supervision of agricultural labour, in this instance viticultural, see *P.Oxy*. XVI 1859 although the Menas in question may have been a *chartularios kai dioiketes*.
39 *P.Oxy*. XVI 1845.
40 See the estate accounts *P.Oxy*. XVI 1911, lines 212 and 209 and the overseer's work contract *P.Oxy*. I 136, line 20. For the wine steward, see *P.Oxy*. LVIII 3960.

epoikia, the *meizon* and the *phrontistes*. Accordingly, as *P.Oxy*. XVI 1855 records, when the irascible *antigeouchos* Victor visited the village of Pinuris, he was obliged to stay with the settlement's *meizon*. One suspects that he was not an easy guest.

Lastly, of course, in addition to the *paidaria* which it owned and the skilled artisans it retained, the Apion household encompassed its agricultural workers proper, the *georgoi* and *ampelourgoi*, and their families; peasant labourers, renting the resources of the *ktemata*, receiving wages and accommodation in return for their directed and commodified labour on the *autourgia* (see figure 5).

THE APION HOUSEHOLD AND SOCIAL RELATIONS IN THE OXYRHYNCHITE

The epistolary papyri also reveal something of the social context in which the Apion estates existed, and the nature of relations between the household, its dependants, and society at large. It is clear, for example, that the imperial authorities relied upon the Apion household to provide various perquisites and supplies to imperial officials located in Oxyrhynchus and the neighbouring city of Cynopolis. What are described as customary payments to imperial and ecclesiastical officials are recorded in a number of the epistolary papyri. Thus we see Menas 'by the grace of God *defensor* of Cynopolis', writing to the *chartularios kai dioketes* George, requesting that the customary allowance he received from the household be paid instead to an official by the name of Basilius.[41] Likewise, Victor instructs George to issue a soldier with his ration or *annona*, in accordance with the order given by 'the most holy bishop'.[42]

Certain fiscal responsibilities were also entrusted to the Apion household over and above the collection of taxes from the estate workforce. As noted in chapter one, in the sixth century the head of the Apion family apparently held by almost hereditary right the title of *pagarch* – or chief tax-collector – for the region around Oxyrhynchus (a post to which we shall return in chapter nine).[43] The main burden of these responsibilities was shouldered by the Apion household's administrators in Oxyrhynchus. *P.Oxy*. XVI 1856, for example, records a certain Christopher (probably a lesser *chartoularios* of the Apion household) writing to the *chartularios kai dioiketes* George,

[41] *P.Oxy*. XVI 1860, lines 10–11. [42] *P.Oxy*. XVI 1848, line 1.

[43] See also *P.Oxy*. XVI 1829 for two letters concerned with the division of the family's pagarchical responsibilities in the wake of the death of a head of the household. For discussion of the date of these documents, see Beauchamp 2001: 165–78.

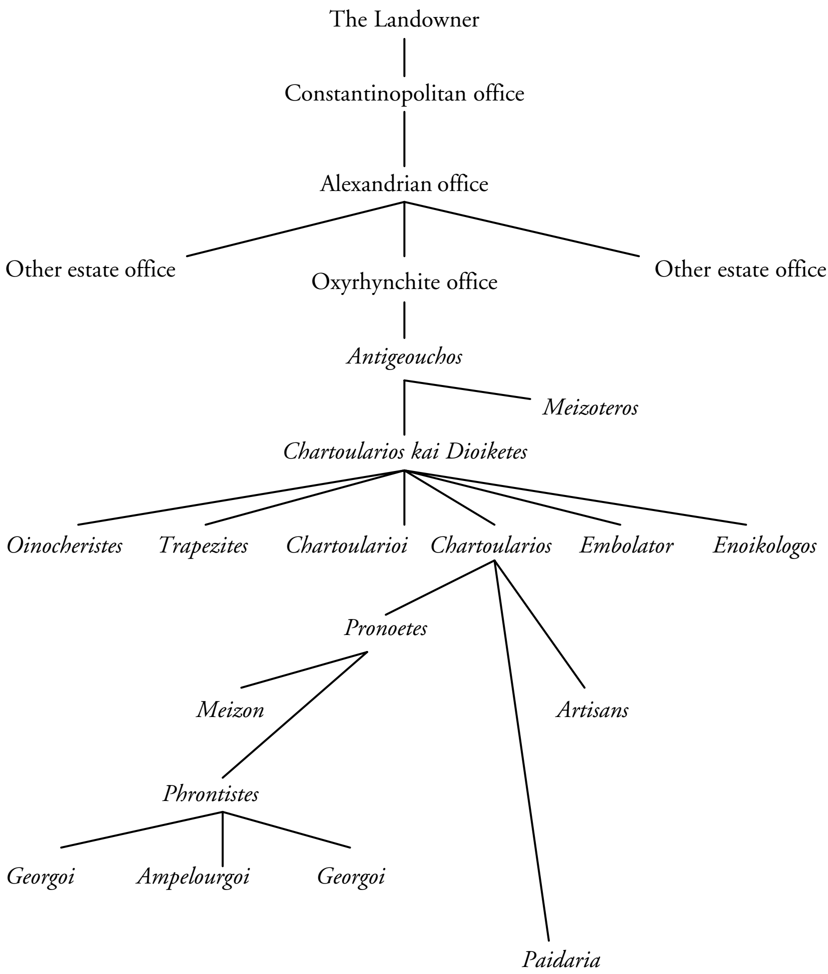


Figure 5 The administrative structure of the Apion household

requesting assistance.[44] Christopher informs George that the inhabitants of Aktuariou, Herakloasianou, and Keouthis were refusing to pay the *pronoetes* Joseph the taxes or *demosia* (δημόσια) expected of them.[45] Accordingly,

[44] *P.Oxy*. XVI 1856. The precise standing of Christopher is not readily ascertainable. His description in line 3 of Joseph as *his* προνοητής might suggest that he was himself a landowner. Yet, as we know, the προνοητής was subject to the supervision and authority of the 'lesser' χαρτουλάριοι – and the adjective might make sense in this context of responsibility. This latter identification would appear to make sense of the place-names: the ἐποίκιον of Aktouariou appears in the Apion accounts *P.Oxy*. XVI 1913, lines 12, 39, 43, and 67.

[45] *P.Oxy*. XVI 1856, lines 1–6.

Christopher asks George to provide Joseph with an armed messenger or *symmachos* (σύμμαχος) to persuade the recalcitrant peasants to pay up.[46] 'For,' he states, 'by the grace of God, it is you who manage these [taxes] just as you do the honourable household (τὸν ἔνδοξ(ον) |οἶκον).[47]

P.Oxy. XVI 1856 casts important light on the antagonistic character of social relations in the region around Oxyrhynchus in the sixth and early seventh centuries. At least one of the settlements mentioned by Christopher, the *epoikion* of Aktuariou, actually belonged to the Apion estates.[48] If, at times, the Apiones even required bully-boys and heavies to cajole their own tenants and employees into co-operating with the household, the need to resort to violence when attempting to collect taxes from those settlements that the family did not own, but for which it was pagarchically responsible, is likely to have been even greater.[49]

Certainly, it was not unknown for relations between the Apion household and its neighbours to turn nasty: as the *antigeouchos* Victor wrote to George, 'I find after innumerable vicissitudes that the people of Pinuris have a guard on account of the people from Thmoinepsobthis and their guards. For they broke into the village at the time of the feast and stole the balance of the *pronoetes* which had 30 *solidi* under it.'[50] The Apion household's own employees could be equally troublesome: *P.Oxy.* XVI 1831 records that shepherds from the Apion property of Takona had attacked those of the neighbouring village of Tholthis and stolen a number of their sheep. The response was a curt, and barely literate, letter from one *meizon* to another. 'Your pagarch has no claim on us,' the headman of Tholthis seems to have declared.[51] However orderly the management of the Apion estates might appear on the basis of contracts and accounts, the reality of life as revealed by the epistolary papyri was a rather messier affair. The efficient exploitation of the family's estates and the fulfilment of the household's wider administrative responsibilities ultimately required constant vigilance, careful supervision, and a readiness to resort to pure brute force.

[46] Ibid. lines 6–7. [47] Ibid. line 8.

[48] See *P.Oxy.* XVI 1913, line 12.

[49] Note *P.Oxy.* LXVI 4536, in which two inhabitants of a village pagarchically administered by the Apion family agree to pay a fine if they are 'found to have stolen water-wheel implements or cattle or to have committed any theft whatsoever or to have harboured robbers' – a surety indicative of a fairly high degree of anticipated disorder.

[50] *P.Oxy.* XVI 1853, lines 1–3.

[51] *P.Oxy.* XVI 1831, lines 1–9. Lines 8–9 appear to state οὐδὲ γὰρ ἔχομεν πρᾶγμα μετὰ τῆς ἀδ(ε)ίας (?) τῶν ὑμῶν παγάρχον. Takona is recorded in *P.Oxy.* XVI 2032, lines 4, 5, and 17.

CHAPTER 5

The Apiones and their analogues

THE APION ESTATES: LOCAL PREDOMINANCE AND SCALE

As well as revealing the organisational and administrative structure of the Apion household, the documentary papyri provide important evidence for the extent of the family's estates in the Oxyrhynchite in the sixth and seventh centuries. In the fourth century the geographical area traditionally administered from Oxyrhynchus – the so-called 'Oxyrhynchite nome', extending some 40 km to the north of the city, 15 km to the east, and 25 km to its south – had been subdivided into ten administrative units termed *pagi*, numbered on a south to north axis.[1] The documentary papyri record that, by the end of the sixth century, the Apion family was in possession of *epoikia*, *autourgiai*, and village properties the length and breadth of this region. The family owned property as far south as the first of the fourth-century *pagi*, around the settlement of Ision Panga, as well as in the vicinity of the village of Takona near the line of demarcation between the northernmost ninth and tenth *pagi*. Likewise, it owned property from the *autourgia* 'Outside the Gate', in the immediate outskirts of Oxyrhynchus, to the village of Pakerke and the nome's eastern boundary, coterminous with the banks of the River Nile.[2]

These Oxyrhynchite estates expanded and developed from the fifth century onwards. This process of expansion is discernible through the sources by virtue of the Apion household's tendency to name properties after the individuals from whom they had been acquired. *P.Oxy.* XXXIV 2718, for example, dating from 458, makes mention of a *curialis* of Oxyrhynchus by the name of Leucadius. At some point in the fifth century this Leucadius

[1] Rowlandson 1996: 8–9.

[2] For locations see the map in Rowlandson 1996: xiv. Ision Panga, *P.Oxy.* XVI 2032; Takona, *P.Oxy.* XVI 1831; 'Outside the Gate', *P.Oxy.* LV 3804; Pakerke, *P.Oxy.* LXII 4350. For a gazeteer of Apion landholdings, see Mazza 2001: 179–87 and (for map) Appendix 3.

would appear to have sold an *epoikion* to the Apions, which thereafter was known as *nesos Leukadiou*.[3]

Similarly, as already noted, *P.Oxy*. LXIII 4397 preserves details of a legal settlement dating from 545 relating to a land dispute between the Apion household and an Oxyrhynchite monastery.[4] The document records that, on a trip to Constantinople, an Oxyrhynchite landowner by the name of Diogenes had found himself short of funds and had accordingly borrowed 80 *solidi* from a representative of the monastery of Abbas Hierax, who happened to be in the imperial city at the time. As security on the loan, Diogenes had offered title to 16½ *arouras* of agricultural land in the vicinity of Oxyrhynchus, along with its water-lifting machinery. On a second trip to Constantinople, Diogenes had then gone on to borrow a further 50 *solidi* from the monastery, but had died before repaying either loan.

Diogenes' heirs resigned their claim to his estate, and thus the monastery had expected to take full possession of the mortgaged lands. Unfortunately for the monastery, however, it soon transpired that, prior to his dealings with the monastic agent, Diogenes had already borrowed money from the Apion household on surety of exactly the same landholdings. Accordingly, the Apiones had demonstrated the priority of their legal claim, and had taken over the land in question. As the editor of the text has noted, the Diogenes recorded in *P.Oxy*. LXIII 4397 would seem to be the same one referred to in the Apion estate accounts with respect to property described as '*dikaiou Diogenous*' – or 'within the right of Diogenes'.[5] On the basis of the lands so-described, Rea has concluded that

> it looks as if our Diogenes, who mortgaged his lands, some twice over, but did not forfeit them till after his death, had once been a person of substantial wealth with land in the north, south and east of the nome. We cannot see exactly how it came about that [the Apiones] acquired mortgages on these lands, but we can see that the Apion estate profited substantially.[6]

The cases of Leucadius and Diogenes enable us to chart the expansion of the Apion estates from the late fifth century to the mid sixth. The pattern of accumulation continued into the late sixth century and beyond. As seen in the Introduction, as early as the middle decades of the fifth century the Apion family was involved in the administration of imperial estates

[3] See *P.Princ*. II 88, line 1 (fifth-century), *P.Oxy*. XVI 1911, line 84 (556/7). No other individual by the name of Leucadius is attested in the papyrological or other sources in the fifth or sixth century, although the son of a Leucadius is attested in *P.Oxy*. LXIII 4387, line 1, dating from 401. Once again, one is reminded of the tradition of papponymy common at this time.

[4] See the detailed introduction by Rea, *P.Oxy*. LXIII 4397: 147–9. [5] Ibid. 149. [6] Ibid.

in the vicinity of Oxyrhynchus. In *P.Oxy.* XVI 1915 we possess a highly fragmentary estate account dating from the year 560, concerned with an imperial estate administered by the Apiones.[7] Two of the settlements mentioned within the document resurface as Apion-owned *epoikia* in a number of later documents.[8] The Apion estates expanded, the papyri reveal, at the expense of both private landowners and the imperial household. It would appear that this expansion was associated with the introduction of ever more direct modes of estate management and increased administrative sophistication: it is significant, perhaps, that the figure of the *antigeouchos* is yet to be attested to in any securely datable Apion papyrus before *c.* 566.[9]

But how much of the land around Oxyrhynchus did the Apion family come to own? Some indication is provided by a number of fiscal documents that survive from the archive dating from the late fifth to the late sixth century. *P.Oxy.* XVI 1918, dated to *c.* 540/1, includes two columns, the first headed 'income of the *pronoetai*' (*lemmata pronoeton*), amounting to just over 20,010 *solidi*, the second 'expenditure as follows' (*analomata houtos*), consisting of 6,917 *solidi*.[10] Column one records the total annual income in coin collected by the Apion *pronoetai* from the family's Oxyrhynchite *epoikia* as a whole, whilst the second column details deductions made at Oxyrhynchus for fiscal purposes – that is to say, for the taxes in coin demanded by the imperial authorities.[11]

Likewise, *P.Oxy.* I 127, dating from 572, records a list of payments in wheat and coin made by the *oikoi* or 'households' of Oxyrhynchus and Cynopolis.[12] The 'households' referred to were the Apion family's properties in the vicinity of the two closely adjacent cities.[13] The payments

[7] *P.Oxy.* XVI 1915, lines 1 and 3.

[8] *P.Oxy.* XXVII 2479, line 2, *PSI* III 196, line 1, and 197, line 1, *P.Mert.* II 96.

[9] For the ἀντιγεοῦχος, see the comments of Ioannidou, *P.Oxy.* LIX 4008: 186, introduction. Similarly, one should note the typological anomaly of the earliest datable Apion χειρογραφεία – *P.Oxy.* XVI 1982 – dating from 497 – which combines both an acknowledgement on the part of a γεωργός that he had received an axle from the Apion household, with an agreement to maintain the irrigated plot, pay the dues expected of him, and submit to everything expected of him by the landowner. A clearer distinction between contractual types would appear to have been a later feature of Apion estate management.

[10] *P.Oxy.* XVI 1918. [11] Gascou 1972: 245. [12] For the date, see *P.Oxy.* I 126.

[13] This identification seems credible on prosopographical grounds. In *P.Oxy.* I 127 it is recorded that the money payments were sent to Alexandria by Menas νοτάριος (lines 10–11). A Menas, νοτάριος to the Apion family, appears in *P.Oxy.* XVI 1898, lines 15–16, dating from the year 587. Similarly, although less persuasive as evidence, the offices of the παραπομπός and ἀργυροπράτης recorded in *P.Oxy.* I 127, lines 11–12, are attested in a letter from Victor to George dating from the second decade of the seventh century, in which instance the παραπομπός was to travel to Alexandria, just as would appear to be recorded in *P.Oxy.* I 127.

in wheat recorded in the document are described as 'with respect to the *embole*', the imperial grain shipment to Alexandria and Constantinople.[14] The Oxyrhynchite 'household' is recorded to have contributed something over 80,000 *artabas* of wheat, whilst the Cynopolite 'household' contributed some 50,000 *artabas*.[15] In addition, the Apion household paid some sort of cash surcharge associated with these transactions, probably associated with the weighing of coin in bulk.[16]

These figures from the middle and late sixth century must be viewed in the context of the late-sixth- or early-seventh-century *P.Oxy.* XVI 1909, an official roster or *katalogos* detailing the gross tax revenues in wheat and coin collected by the imperial authorities from the cities of Nilopolis, Heracleopolis, Cynopolis, and Oxyrhynchus, once again, presumably for the *embole*.[17] Oxyrhynchus and Cynopolis are recorded to have paid 350,000 *artabas* of wheat valued at 35,000 *solidi*, and 24,500 *solidi* by way of taxes in coin.[18] The 6,917 *solidi* which *P.Oxy.* XVI 1918 records the Apion household to have contributed to the imperial authorities in 540/1 would thus have represented some 28 per cent of the total payment in coin attested in *P.Oxy.* XVI 1909, whilst the contribution in wheat recorded in *P.Oxy.* I 127 would have amounted to 37 per cent of the taxes in kind recorded in the document.

P.Oxy. XVI 1918 and *P.Oxy.* I 127 were, of course, written several decades apart.[19] It is entirely possible that taxes in coin and taxes in kind were paid in strict proportion to one another, and that the Apion household contributed 28 per cent of the total burden in the 540s, and 37 per cent at the end of the sixth century, mirroring an expansion in the family's estates. Proportionality would certainly appear to have been a feature of imperial law when it came to charges levied on landowners: in an Anastasian constitution preserved in the *Codex Iustinianus*, the emperor declared: 'whenever the imposition of a public levy proceeds in accordance with an imperial command, each one of the landowners is to be subject to the levy in proportion to his acreage or the combined fiscal value of his estates'.[20] That the Apion family

[14] *P.Oxy.* I 127, lines 1 and 7. [15] *P.Oxy.* I 127.

[16] Ibid. lines 2 and 9. One should note that the sums contributed with respect to 'the charge of the frying-pan', as it is called, represent almost exactly 10 per cent of the sum identified by Gascou as the fiscal contributions in coin made by the Apion household; this suggests that the charge probably represented some kind of surcharge to which the household was liable, perhaps for the weighing of the coinage, 'frying-pan' perhaps being a slang term for balancing-dish.

[17] *P.Oxy.* XVI 1909. Oxyrhynchus and Cynopolis are listed jointly. Banaji attributes this document to the reign of Maurice. See Banaji 2001: 65.

[18] See *P.Oxy.* XVI 1909, lines 3–5.

[19] *P.Oxy.* XVI 2032 provides a similar account to that recorded in *P.Oxy.* XVI 1918 dating from *c.* 586, except that it is far more confused in terms of composition and does not include expenditure.

[20] *Codex Iustinianus* 10.27.2.8: πρὸς τὴν ἀναλογίαν τῶν ζευγῶν ἤτοι ζυγοκεφαλῶν. See Banaji 2001: 239–40 for the technical fiscal translation of these terms.

contributed around one-third of the taxes collected from Oxyrhynchus and Cynopolis in the mid-to-late sixth century should thus be read to convey some sense of the comparative scale of the family's land-ownership in the vicinity of the two cities at this time.[21] At a conservative estimate, by the late sixth century the Apiones probably owned at least a third of the cultivable land around Oxyrhynchus. How much land would this have represented? A document dating from the fourth century estimated the total taxable arable area of the Oxyrhynchite nome at 202,534 *arouras* – roughly 560 square kilometres.[22] Had the Apiones owned a third of that, then, around Oxyrhynchus alone, they would have been masters of almost 190 square kilometres (or almost 47,000 acres) of prime agricultural property. We should also note in this context the late-fifth-century *P.Mich*. XV 737, in which the Apion household paid 22 per cent of a set of money payments contributed by Oxyrhynchite landowners.[23] Comparison of *P.Mich*. XV 737 and *P.Oxy*. I 127 would suggest a doubling in the size of the Apion family's Oxyrhynchite estates over the course of the sixth century.

It is important to appreciate that such land-ownership around Oxyrhynchus would have represented only the core of the Apion family's property portfolio. In addition to urban and agricultural property in the Oxyrhynchite and in the vicinity of Cynopolis, the Apion household is also recorded to have owned land around the cities of Heracleopolis, and Arsinoë.[24] We know of these properties primarily because they are mentioned in papyri that survive from Oxyrhynchus. The possibility of landed property elsewhere in Egypt, not mentioned in the Oxyrhynchite

[21] It is, of course, possible that such figures overestimate the extent of Apion land-ownership *per se*, as the contributions recorded in *P.Oxy*. I 127 may include payments for settlements for which members of the Apion family were pagarchically responsible. At present, our understanding of the precise workings of the pagarchate is insufficiently detailed either to rule out or to confirm the likelihood of this suggestion. In relation to the testimony of *P.Oxy*. XVI 1918, however, this seems improbable: the payments presumed to be fiscal are derived from the revenues sent to the household by *pronoetai*; in neither the extant estate accounts nor the overseers' work contracts belonging to the Apion archive are the family's *pronoetai* described as having been engaged in or obliged to take part in the collection of revenues from settlements for which the Apion family was responsible as pagarchs, although, as we have seen in the previous chapter, estate *chartoularioi* may well have been involved. It is perhaps more likely that the Apiones owned rather more than a third of the land, and offloaded some of their tax burden onto their neighbours. As will be seen in chapters nine and ten, tax evasion was rather more characteristic of aristocratic landowners than overpayment. This would be the reverse of the 'fiscal participation' model preferred by Gascou, Mazza, and Hickey, to which *CJ* 10.27.2.8 lends little by way of support. For the clearest exposition of the 'fiscal participation' model, see Hickey 2001: 42 and 74 where Hickey argues regarding the size of the Apion estates: 'two-fifths is not an indicator of the Apiones' share of the land in the Oxyrhynchite and Cynopolite, it simply means that for this particular *munus* the *oikos* was responsible for 2/5 of the total job'.

[22] *SB* XIV 12208. See the discussion in Rowlandson 1996: 17.

[23] *P.Mich*. XV 737 as emended by Gonis 2002: 86–97.

[24] Cynopolis: *P.Oxy*. XVI 1909; Heracleopolis: see *SPP* VIII 772 and *P.Bingen* 135; Arsinoë: *CPR* X 129 and XIV 10–11.

documents, should not be discounted. Certainly, the internal evidence of the estate accounts would indicate a higher level of estate management in Alexandria, and, as noted in the Introduction, the *Chronicle* of John Malalas records the Apiones to have owned property in Constantinople, presumably in the district that came to bear the family's name – the quarter known as *Appionos*.[25] It is even possible that by the early seventh century the Apion family had acquired estates as far afield as Sicily.[26] The Apiones were not only the great lords of Oxyrhynchus, but a power to be reckoned with elsewhere too.

THE STRUCTURE OF THE APION ESTATES – REPRISE

In the four preceding chapters the extant published papyri belonging to the Apion archive have been examined with a view to delineating the key social and economic features that characterised the household. When placed in the context of the prosopographical details concerning the history of the family set out in the Introduction, the most significant of these may be summarised as follows:

(i) The estates were the private property of a family whose members held amongst the highest dignities and honours conferrable within the *cursus honorum* of the Eastern Empire. The family owned property beyond Oxyrhynchus, including, it was suggested, Alexandria, but certainly comprising urban property in Constantinople and agrarian possessions within the vicinity of other middle Egyptian cities. In short, the Apiones were members of a trans-regional imperial aristocracy of service.

(ii) The exploitation of the family's estates was overseen by a body of central household retainers headed, by the late sixth century, by the figure of the *antigeouchos*. These retainers were themselves often figures of considerable social and political importance in local society, bearing prestigious titles such as that of *comes*, and lofty honorifics such as *endoxotatos* and *illoustrios*.

(iii) In addition to various urban properties such as shops and warehouses, the estates comprised considerable stretches of land held and exploited 'in-hand' – the so-called *autourgia*. Associated with the 'in-hand' were families of an apparently servile condition described in the sources as *paidaria*. These *paidaria* are recorded to have been employed in both skilled and semi-skilled capacities and may have engaged in

[25] Janin 1964: 311. [26] Gascou 1972: 243–53.

direct cultivation. The 'in-hand' was home to cereal and viticultural production, as well as various semi-industrial activities such as the milling of oleaginous vegetables.

(iv) In addition to the *autourgia*, on which the *paidaria* seem to have been resident, the Apion household owned village properties and labour settlements known as *epoikia*, the inhabitants of which – generally styled *georgoi* or *ampelourgoi* – were obliged to work the 'in-hand'. These agricultural workers were centrally directed and reallocated between estate properties.

(v) The labour of these *georgoi* and *ampelourgoi* on the 'in-hand' was supplemented by an obligation, incumbent upon them both collectively and individually, to work allotments of land, as well as mills and bakeries, associated with the settlements in which they lived. Likewise, certain stretches of pasture were associated with each settlement, to which the Apion labourers were granted access, thus permitting them to raise their own livestock. The labourers paid rent on these amenities and allotments, as well as the taxes to which they were personally liable.

(vi) The maintenance of the infrastructure of the *epoikion* settlements and village properties was overseen by the Apion household, which supplied the labourers with family accommodation, irrigational machinery, seed, and jars for the vintage. The inhabitants of the Apion settlements emerge from the sources as a carefully supervised and tightly controlled, but far from necessarily or uniformly pauperised, workforce.

(vii) A proportion of the income derived from the estate settlements and village properties was assigned to support the costs associated with the cultivation of the *autourgia* or 'in-hand'. This practice was overseen by stewards termed *pronoetai*, recruited from the lower echelons of urban land-owning society, and often associated with the Church. These overseers were themselves closely supervised by the central Apion secretariat, and were employed on terms of considerable insecurity so as to maximise both their honesty and efficiency.

(viii) The agricultural labourers and their families, on the other hand, were, for the most part, bound by permanent *paramonar* contracts to remain in attendance upon the Apion estates, to pay the rental charges and taxes to which they were liable, and to perform labour services of often unspecified extent. At the same time, however, the rental access of such agricultural labourers to the resources of the

epoikion was apparently highly precarious, essentially terminable at the will of the household.

(ix) Lastly, the Apion estate overseers operated a sophisticated accounting system, at times even issuing the wages owed to agricultural labourers in the form of cheques known as *pittakia*. The Apion workforce was thus rewarded by means of wages, supplemented by the granting of rental access to the allotments and amenities associated with the settlements in which they lived. That is to say, they were principally wage-labourers rather than tenant farmers. Their labour was commodified.

These features of the Apion household would have determined the character and intensity of the family's social and economic dominance at the provincial 'grassroots'. For the coercive power which could be wielded by members of a trans-regional aristocracy of service, possessing estates worked by a closely directed and highly insecure agrarian workforce would have been far greater than that available to a more localised, politically less well-connected elite, dependent for its income upon tenant farmers, who would have enjoyed (*de facto*) effective ownership of the land which they worked. But how unique were the Apiones? To what extent were the characteristic features of the Apion estates replicated on the properties of other land-owning families in Egypt at this time?

As noted in the Introduction, although the Apiones would appear to have enjoyed a particularly close and fruitful relationship with the Justinianic regime, theirs was not the only Egyptian family to prosper. Nor are they the only large-scale land-owners attested in the papyrological sources. Rather, the documentary papyri record a number of great landowners and great landowning families from throughout Middle Egypt, individuals and families emergent from the same social background as the Apiones, bearing lofty titles, holding distinguished imperial offices, and presiding over estates of apparently wide-ranging geographical extent. For Oxyrhynchus, for example, we possess details concerning the estates of a late-fifth-century landowner by the name of John, who served as both *comes consistorii* and governor of Arcadia.[27] *P.Oxy.* I 140 records yet another *comes sacri consistorii* and Oxyrhynchite landowner, Flavius Serenus. The late-sixth-century *P.Oxy.* LXIII 4399 preserves details of a female landowner by the name of Heraïs, who describes herself as being 'of distinguished family'. The Oxyrhynchus papyri go on to record the coexistence alongside the Apiones of a number of aristocratic households and dynasties:

[27] *P.Oxy.* XLIX 3512.

the household of Leontius; that of Philoxenus; the estates of Musaeus; the bloodline of Eudaemon.[28] For the province of Arcadia more generally, we hear of Flavia Christodote, daughter of a former patrician, whose estate is described as *ousia kata Arkadon*, indicating, as Banaji has noted, the existence of landholdings throughout the region.[29] The papyri reveal that Christodote was owed no less than 4,392 *solidi* by an Alexandrian banker by the name of Flavius Eustathius, to whom she made it clear 'that she was willing to pursue the matter as far as Constantinople'.[30] As a woman of substance, Christodote was not to be messed with.[31]

A similar picture emerges beyond Arcadia and the Oxyrhynchite. Thus for the region around the Middle Egyptian city of Arsinoe we have details concerning Flavius Varius, *comes domesticorum*, described in a lease dated to AD 504 as 'from Memphis and landowner also in the Arsinoite'.[32] At least 7,000 acres of land around Arsinoë were owned by the *patricia* Sophia.[33] For the territory surrounding the city of Heracleopolis, details survive of the late-fifth-century landowner Flavius Olympius, *vir clarissimus et spectabilis comes sacri consistorii*, attested in the papyrological record as on one occasion having ordered no fewer than 8,800 *ceramia* of oil from a single village.[34] But how were the estates of such landowners administered, structured, and worked? To some extent, we run up against a lack of evidence. For no other landowner of the fifth and sixth centuries do we possess much beyond a handful of documents or isolated scraps.[35] Yet analysis of these scraps reveals a very high degree of similarity between the strategies of estate management and labour organisation employed on the Apion estates and those of other elite families recorded at this time.

[28] *P.Oxy*. XVI 2039, XVI 1949 and *SB* XVIII 13921. For discussion, see Gonis 2002: 85–93 and Fikhman 1976: 80–4.

[29] *PSI* I 76, line 6. For discussion see Keenan 1978: 191–209 and Banaji 2001: 137.

[30] Banaji, 2002: 137–8.

[31] Christodote can be dated to the late sixth century. Another wealthy Oxyrhynchite female landowner, Flavia Cyria, is recorded in the fifth-century *P.Oxy*. XXXIV 2724, *P.Lond*. V 1798, *P.Oxy*. XVI 1947, 1948, *P.Oxy*. XVI 2003, *CPR* VII 24, line 5 and *SB* XVIII 13928. For other fifth-century landowners, see *P.Oxy*. LXVIII 4682, 4685, and 4697.

[32] See *P.Ross.Georg*. III 32, line 3.

[33] See, for example, *SPP* VIII 1092, concerning her villa. For discussion of Sophia, see Banaji 2001: 141–2.

[34] See *CPR* V 14 and 15, dating from AD 475 and 477 respectively. The latter document mentions the *ceramia*.

[35] For the fragmentary and statistically limited nature of the documents available in relation to other landowners, see Banaji 2001: 144–5 on Ps.Strategius. On the difficulties faced as regards the Hermopolite, Gascou 1995: 60 on *P.Sorb*. II 69 (a 'fiscal codex') – this document represents one of our best sources for the seventh-century Hermopolite, yet, as Gascou notes 'P.Sorb II 69 reflète mal . . . les activités agricoles.' It also omits the top provincial aristocracy from its purview: see Banaji 2001: 127–8.

THE STRUCTURE OF SOME NON-APION ESTATES

Such similarities are at their most evident as regards the two most fundamental of the characteristics of the Apion estates as revealed by the papyri: their bipartite character, and the commodification of labour upon them. For the Oxyrhynchite, for example, we possess the contract of employment of a late-sixth-century estate overseer (*epikeimenos*) by the name of Jeremy. Jeremy was employed to supervise production on the 'new plantations' and the 'great landholdings of the landowner', which would seem to have comprised *autourgiai*.[36] Thus his contract draws a distinction between landholdings described as the *topoi* of the estate (*tes ousias*) and the *ktema tes ousias*, paralleling the distinction between directly managed *topoi* and the Apion estate *ktemata* evident in *P.Oxy*. LI 3641.[37]

Beyond the region of Oxyrhynchus, highly suggestive evidence in relation to the *autourgia* emerges from the Arsinoite account *P.Iand. Inv*. 653. This document details the collection and use of hay on an estate property in the vicinity of a village by the name of To Skelos. This hay was primarily required to feed the livestock employed to plough the estate's arable land, and much of it was grown on meadows that formed part of the property. A considerable proportion of the hay, however, was furnished by agricultural labourers resident on other settlements belonging to the estate.[38] As on the Apion properties, we appear to witness the resources of one type of estate landholding (i.e. the *ktemata*) being used to meet the requirements of agriculture on another directly managed portion of the property. A similar pattern emerges from the Antinoopolite *P.Ant*. III 190, as well as from the Hermopolite estate account *P.Bad*. IV 95. In both instances we see revenues derived from estate-owned settlements being spent on labour costs and wages associated with the in-hand and other requirements of the central household.[39] It is worth noting that the estate in the vicinity of To Skelos recorded in *P.Iand. Inv*. 653 was apparently very substantial; the area of land under plough has been estimated at approximately 100 acres.[40] And this was only one part of what was evidently a much larger estate network.[41]

In terms of the organisation of labour, an association between the directly managed in-hand and bodies of estate employees termed *paidaria* is again recorded for the vicinity of the Egyptian city of Hermopolis in *P.Bad*. IV

[36] *P.Oxy.* XIX 2239, lines 12–13: τὰ μεγάλα γεουχικά.
[37] Ibid. lines 13–14. See the note to line 14 for the reading τόπῳ.
[38] Reekmans 1962: 14–16 and 10.
[39] *P. Ant*. III 190, lines 35–6, *P. Bad*. IV 95, lines 75–6.
[40] Reekmans 1962: 14–16.
[41] Banaji 2001: 249.

95: as with the Apion papyri, this records entire families of such workers to have been employed by the estate.[42] The residence of agricultural workers, or *georgoi*, in estate-owned labour settlements is recorded in a number of Oxyrhynchite, Arsinoite, Heracleopolite, and Hermopolite documents.[43] Beyond the Oxyrhynchite, however, a certain degree of terminological variety is evident across estates, in that, in the Hermopolite, for example, as recorded in *P.Bad*. IV 95, estate settlements were frequently termed *choria* rather than *epoikia*.[44] In the Oxyrhynchite, by contrast, the term *chorion* tended to be used more specifically of estate viticultural holdings, rather than estate settlements *per se*.[45] Even in the Oxyrhynchite, however, the usage of *chorion* became more general as time progressed.[46] In the Hermopolite, about one-quarter of all rural settlements identifiable in the period from the fifth through to the seventh centuries bear the designation of either *chorion* or *epoikion*.[47]

But what of the inhabitants of these estate settlements? The use of estate *georgoi* as a directed labour force on non-Apion auturgical landholdings in the vicinity of Oxyrhynchus is recorded in the overseer's work contract *P.Oxy*. XIX 2239, in which the overseer, Jeremy, agrees to 'cause all the land-labourers of your most gloriousness on every *topos* and every *ktema* of its estate to sow the landowner's plots, to plant acacias, and to be ready to show every zeal to improve the condition of the landowner's agricultural properties'.[48] Likewise, in both the Antinoopolite estate account *P.Ant*. III 190 and the Hermopolite *P.Bad*. IV 95 we find workers rewarded with wages for working on the estate in-hand.[49] These wages were reckoned in

[42] Schnebel 1928: 34–45 and 42–3.

[43] *P.Oxy*. XXXIV 2724, XLIX 3512, LVIII 3955, LXIII 4398, *P.Amh*. II 149, *P.Wash.Univ*. I 25. For documents mentioning estate *epoikia* in other regions, see for example, *BGU* II 364, *CPR* X 65 and 127, *P.Vindob.Sijp*. 7 and *P.Bad*. IV 95, in which instance the settlements are styled *choria*. For the equivalence between *choria* and *epoikia*, see Banaji 2001: 175. For a much fuller list of non-Oxyrhynchite/non-Apion *epoikia*, see Banaji 2001: 174–5. For discussion of Oxyrhynchite *epoikia*, see also Banaji 1999: 208–12. Note also the residence on *epoikia* of the agricultural worker Iulius recorded in the sixth-century Arsinoite *BGU* II 364, the unnamed parties vouchsafed for in the sixth-century Arsinoite contract of surety *CPR* X 127, and the 'hireling' Papnouthius, mentioned in the fifth-century Heracleopolite *P.Vindob.Sijp*. 7. Likewise, *SPP* X 114 records details of bread production on an Arsinoite *epoikion*; *CPR* X 65 lists sixty-two male inhabitants of the sixth-century Arsinoite *epoikion* of Eustychius, whilst *SPP* X 45 contains an account of the income in coin collected from various Hermopolite *epoikia* in the seventh century.

[44] Drew-Bear 1979: 41–3. [45] Hickey 2001: 31. [46] Pruneti 1981: 10–11 and Banaji 2001: 175.

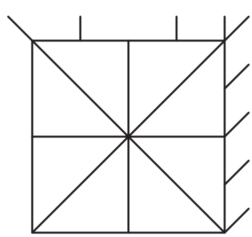
[47] Drew-Bear 1979: 351–73 and 380–8, comparing the proportion of *epoikia*, *choria*, and *komai*.

[48] *P.Oxy*. XIX 2239, lines 13–16: [πα]ρασκευάσαι τοὺς πάντας γεωργοὺς τῆς ὑμετέρας ἐνδοξ(ότητος) ἐν ἑκάστῳ τόπῳ [for τούτῳ] καὶ ἐν ἑκάστῳ κτήματι [τῆ]ς αὐτῆς οὐσίας [σ]πεῖραι τὰς γεουχικὰς μηχανὰς καὶ φυτεῦσαι ἀκανθέας καὶ ἑτοίμως ἔχε[ι]ν πᾶσαν σπουδὴν συνεισενεγκεῖν εἰς βελτίονα ὄψιν τὰ ὑμέτερα γεουχικὰ ἀγρ[οι]κικὰ πράγματα.

[49] *P.Ant*. III 190, lines 36–40.

both cash and crop. Thus whereas *P.Dub*. 26 records the issuing of cash wages to agricultural workers, the fifth-century Hermopolite *P.Amh.* II 155 records an 'account of wages in wheat for our land-labourers' (λόγος σίτου μισθοῦ τῶν γεωργῶν ἡμῶν). In another example, we find an estate official writing to a colleague 'Please give 8 *artabas* of wheat to Kammes on account of his wage to date, and give Gerontios the vine-dresser 2 *artabas*'.[50]

Beyond the Apion estates, these wages were, once again, frequently issued in the form of cheques or *pittakia*. *Pittakia* recording payments in wheat are attested in the fifth-century *P.Mich*. XV 732, as also with relation to cash wages in the seventh-century *Stud. Pal*. 20.268. Most strikingly of all, the fifth- or sixth-century *CPR* VII 23 preserves a series of pictogramic representations of cash payments in the form of *pittakia*, which provide evidence for what the *pittakia* actually looked like.[51] The pictograms appear in the first column of the document where, alongside a list of income in coin (column ii), one finds six headings of *pittakion* each followed by a name in the genitive – thus (line 4) πιτ(τάκιον) Φοιβ(άμμωνος). Under each of these headings is a pictogram of a square subdivided by means of vertical, horizontal, and diagonal lines into quarters and equally sized eighths. Along the sides of the squares a number of tally marks are discernible: in the third example an entire side has been filled with these marks, which total six in number, including a mark which follows the line of the vertical side of the square. Six such tally marks on each side of the square would have totalled twenty-four, equal to the number of carats in a *solidus*. It would thus appear that each pictogram represented a gold *solidus*, with the *pittakia* recording either how many carats, how many *solidi* minus, or how many *solidi* plus however many carats, had been credited to the individual concerned. The pictogram has been transcribed as follows:



[50] *SPP* XX 125, lines 1–2: θέλησον δοῦναι Καμμέσι ὀκτὼ ἀρτάβας σίτου εἰς λόγον τοῦ μισθοῦ αὐτοῦ τέως καὶ δοῦναι Γεροντίῳ τῷ ἀμπελουργῷ δύο ἀρτάβας. On wage payments, see also Banaji 2001: 235–7.

[51] *CPR* VII 23.

A similar pictogram is to be found on *CPR* VII 59 recording the expenditure of five *solidi*.

The most significant of the core economic characteristics of the Apion estates – in particular, their bipartite structure and the commodification of labour upon them – are, therefore, clearly attested in the non-Apion documentary papyri. Not surprisingly, given these similarities, parallels are also discernible in the contractual terms on which labour, and especially agricultural labour, was employed. These parallels are evident in spite of minor differences in the contractual practices adopted by landowners and estate managers across Middle Egypt. For example, by the late sixth century, the managers of the Apion properties in the vicinity of Oxyrhynchus had come to keep contracts of employment separate and distinct from leases. On the estates of other landowners, however, these documentary types would often appear to have remained conjoined, the association between labour services and leaseholding still finding expression through a single contractual tie.[52]

An instance of this phenomenon is to be found in *P.Oxy*. LVIII 3955, a land lease dating from 611, addressed to an unnamed Oxyrhynchite landowner attached to the *officium* of the governor of Arcadia, by the inhabitant of one of his Hermopolite *epoikia*. The document records that the principal party had agreed to lease an irrigated plot and its associated machinery in return for the payment of 15 *artabas* of wheat by way of rent (ὑπὲρ φόρου), and a willingness to provide the landowner with festal contributions (ἑορτικά), and labour services (τὰς γεου]χικὰς ὑπηρεσίας). Whilst the agreement was meant to be of one year's duration, the agricultural worker agreed that he would resign his tenancy whenever the landowner required (ὁπόταν βουληθ]ε[ί]η) – an insecurity of tenure on the part of the labourer paralleling that evident on the Apion estates.[53]

In other respects, however, contractual practices were rather more uniform. The practice of demanding contracts of surety to guarantee the residence of labourers on the estate *epoikia* or *choria*, was a common one. In *P.Oxy*. XLIV 3204, dating from 588, an overseer (*boethos*) agreed to provide surety that an agricultural labourer would 'continuously stay and abide in his village with his loved ones and his wife and his beasts and all his possessions'.[54] A similar Oxyrhynchite example is to be found on *P.Wash.Univ*. I 25, dating from 530, in which Aurelia Nonna, 'from the *epoikion* of Kalae of the *ktema* of your magnificences' provided surety that her son would 'stay in

[52] See Banaji 2001: 112. *P.Oxy*. XVI 1982 records a not dissimilar practice on the Apion estates in the late fifth century.

[53] *P.Oxy*. LVIII 3955, lines 5–23.

[54] *P.Oxy*. XLIV 3204, lines 13–15.

attendance and reside on the holding, answering to everything that pertains to his person or the condition of an *enapographos*, and in no way leave or take himself off to another place'.[55] A third sixth-century Oxyrhynchite example is to be found on *P.Mert*. II 98.[56] As for non-Oxyrhynchite documents, for the region around Heracleopolis, we possess *P.Vindob.Sijp*. 7, dating from 462, by which Aurelius Papnouthius gave surety to a landowner (*geouchos*) that Aurelius Ararous 'living within the same *epoikion* of Pasesi and also meeting his liturgical duties there' would 'remain in the settlement, and cultivate his vineland so as to furnish the full contribution of the current first indiction'.[57]

The non-Apion documentary papyri also preserve a number of agreements to cultivate or to enter into service, such as are likely to have formed the basis of the original direct contract of employment between the Apion household and its agricultural workers. From Oxyrhynchus, we possess *P.Oxy*. VIII 1122, a *paramone* contract, or contract of personal attendance, dating from 407, whereby Aurelius Phoebammon informed a *curialis* of Oxyrhynchus that 'I acknowledge of my own free will that I have made an agreement with you to attend unto you and travel with you in other lands and to obey you in all your commands'.[58] Of more direct significance, we possess the draft of an Arsinoite labour contract dating from the sixth or seventh century by which a certain Aurelius Kosmas hired himself out for one year to undertake whatever jobs he was given.[59] Kosmas was to receive 2 *solidi* by way of wage, one of which he had already been paid, the other to come at the end of the year.[60]

Highly suggestive parallels and similarities in terms of economic structure and the organisation and condition of labour can thus be identified between the Apion estates and those of other large landowners recorded in the papyri. Indeed, the parallels go beyond the core economic characteristics emphasised above. For example, the figure of the *antigeouchos*, or 'landowner's representative', is found not only in the late-sixth-century Apion papyri, but also in those of other landowning families: in *P.Oxy*. LIX 4008 a non-Apion *antigeouchos* by the name of John is presented with a fish by a group of estate *paidaria* who address him as their 'lord' (δεσπότης). In *BGU* I 303 an Arsinoite land-labourer agreed to lease a piece of land from two brothers, one of whom, Flavius Stephanus, he addresses as 'most

55 *P.Wash.Univ*. I 25, lines 11–14. 56 *P.Mert*. II 98, lines 4–9. 57 *P.Vindob.Sijp*. 7, lines 9–12.
58 *P.Oxy*. VIII 1122, lines 8–13. Whilst Phoebammon would not appear to have been employed as an agriculturalist, the document exemplifies the existence of direct personal contracts establishing an obligation to perform unspecified services.
59 *P.Dub*. 26, lines 4–5. 60 I paraphrase the editor – see ibid. 140.

magnificent *tribunus* and *antigeouchos*'. Stephanus' brother bore the title of *comes*, just as did the Apion *dioiketes* George.[61] Not only do the economic and administrative structures of great estates often appear to have been similar, but so too does the social background of those employed to manage them. Again, we should note that the Hermopolite estates recorded on *P.Bad.* IV 95 were supervised by three *comites*: Germanus, Christodorus, and Dorotheus.[62]

CONCLUSION: SOCIAL RELATIONS AND RELATIONS OF PRODUCTION IN THE AGE OF JUSTINIAN

The documentary papyri that survive from Oxyrhynchus, Heracleopolis, Hermopolis, Arsinoë, and Antinoopolis thus enable us to establish that the key structural features of the Apion estates were far from unique to the family's Oxyrhynchite properties. Rather, they were replicated on the estates of other Egyptian landowners in the fifth, sixth, and seventh centuries. Indeed, the sources enable us to piece together what might be termed the 'ideal type' of the great estate of early Byzantine Egypt. That estate was bipartite in character, and both labour and, by implication, production on it were highly commodified. Naturally, there would have been some variation from estate to estate and from region to region, but these core features emerge time and again. They would appear to have been characteristic of the landed properties of the aristocratic elite as revealed by the papyri.

But the papyri also reveal a second, crucial, fact. This landed elite's dominance of local society seems to have been intensifying. As we have seen, over the course of the sixth century the Apion family's properties in the vicinity of Oxyrhynchus may well have doubled in size and extent. At the same time, those recorded in the papyri as owning land are increasingly accorded the loftiest of social honorifics: *endoxotatos*, *hyperphuestatos*, *paneuphemos*; and they are described as holding high imperial office or serving as *comites sacri consistorii*.[63] That is to say, the documentary evidence would suggest that an imperial aristocracy of service, its members typified by the Flavii Apiones, was coming to dominate productive and social relations in the late antique countryside. But if this was the case in Egypt, what was the situation across the Eastern Empire more generally?

[61] *BGU* I 303, lines 4–5. [62] *P.Bad.* IV 95, lines 537–9.

[63] See Banaji 2001: 127–8, and especially 232 Table 9a, where he tabulates the 'weight of the aristocracy among non-institutional landholders, sixth and seventh centuries'.

CHAPTER 6

On the margins of magnate power: Dioscorus and Aphrodito

INTRODUCTION – THE APHRODITO PAPYRI

Before turning to the evidence for the empire as a whole, the picture derived from the Apion papyri and other documents of an essentially 'aristocratic' focus requires a measure of nuance. At a local level, families such as the Apiones clearly wielded an enormous amount of influence and power in late antique Egypt. Yet, as the epistolary papyri inform us, even on the Apion family's own estates, the authority of the landowner and his representatives did not go entirely unchallenged. The power of the great landowner was always contestable, and there were always those willing to contest it. The papyri record that amongst those who sought to do so in the sixth century was a practising lawyer and jobbing poet from the Middle Egyptian village of Aphrodito known by the name of Dioscorus.

Two thematically and chronologically distinct papyrological dossiers survive from late antique Aphrodito. The later of these, dating from the Umayyad period, is derived from the bureau of a local Arab governor, Qurra b. Sharik (r. 709–14).[1] For the earlier period, encompassing much of the sixth century, the extant papyrological dossier preserves part of the archive of one of Aphrodito's most prominent families, the descendants of a certain Psimanobet – 'the goose-herd's son'.[2] Although, as this name would suggest, the origins of the family were relatively humble, by the early sixth century, as two commentators on the Aphrodito papyri have noted, its male members had come to serve

> as leaders of their community in successive generations . . . Because they were respected for their wealth and literacy . . . they often signed documents for illiterates

[1] See especially Bell 1910. 'Aphrodito' is the name used of the settlement in the Islamic period. In the Byzantine era, it was called the 'village of Aphrodite' (κώμη Ἀφροδίτης). I use 'Aphrodito' here as it is the name by which the settlement is best known in Anglophone scholarship.

[2] Gagos and Van Minnen 1994: 19. A useful family tree is to be found on 131.

who could not do it themselves. Frequently they were called upon to append their signatures as witnesses to contracts, or were asked to keep the papers of others. Thus the family's archive came to contain not only their personal papers, but also documents and drafts of documents relating to the affairs of neighbours and friends. Eventually all these texts ended up with Dioscorus . . . the man best known to us from this family, and it is through Dioscorus' eyes that we recapture the most vivid glimpses of life in late antique Aphrodito.[3]

Dioscorus was born *c*. 520.[4] His father, Apollos, was reckoned amongst the 'foremost villagers', or *protokometai* (πρωτοκωμηταί), into whose hands much of the fiscal administration of Aphrodito was entrusted. Apollos had ended his days founding and retiring to the monastery of Apa Apollos, in which the family was to maintain an active interest long after his death.[5] During Apollos' lifetime Dioscorus had enjoyed a rhetorical and legal education, perhaps in Alexandria, such that by 543 he was accorded the title of *scholasticus*, and remained in legal practice for much of his life. With the passing away of his father, Dioscorus had assumed leadership of the family and accordingly was appointed *protokometes* in his stead. In about 551 Dioscorus travelled to Constantinople, petitioning the imperial authorities on the village's behalf. In 566 he made his way from Aphrodito to the provincial capital of Antinoopolis, obtaining employment there as a notary at the court of the governor or *dux*. By 573, however, Dioscorus had returned to the village, where he took up the curatorship of his father's monastic foundation. We do not know when Dioscorus died, although he is last attested in the currently transcribed papyri *c*. 585.[6]

It was during his periods of residence first in Constantinople and subsequently in Antinoopolis that Dioscorus composed many of the verses found amongst his papyri, such as earned him, in the twentieth century, an unenviable reputation as 'the McGonagall of the ancient world'.[7] As Harold Idris Bell wrote,

> Pronouncing Greek by accent, but scanning by metrical quantity, he found himself in constant . . . difficulties . . . His knowledge of literary Greek was far from profound; he not infrequently misunderstood the words he culled from older poets, and when he ventured, as he sometimes did, to coin new words, his ignorance of

[3] Ibid. 9. [4] *PLRE* III – Dioscorus 5: 404–6, and MacCoull 1988.

[5] For Apollos' career see Keenan 1984b: 957–63. He was dead by 545.

[6] See *P.Cairo Masp*. I 67111, III 67325.

[7] The comparison with McGonagall was made at a British Museum exhibition in 1974 entitled 'The Written Word on Papyrus'. See MacCoull 1986b: 30. See also Alan Cameron 1965: 470–509 and Baldwin 1984: 327–31. For the dating of Dioscorus' poems, see Fournet 1999.

etymology, and his very uncertain understanding of his literary models produced alarming results . . . many of his lines just mean nothing at all.[8]

SIXTH-CENTURY APHRODITO: SOCIAL STRUCTURE AND ECONOMIC RELATIONS

Setting aside Dioscorus' poems for the time being, the documentary papyri that survive from the family archive appear at first glance to record a world very different to that encountered in the previous chapter. Rather than a landscape dominated by bipartite great estates, owned by well-connected aristocratic *geouchoi*, the initial impression is of a much more socially fluid and polycentric agrarian economy in which the likes of Dioscorus and his kin played an important part. Aphrodito was a legally designated village or *kome*, located in the near vicinity of the city of Antaeopolis in the province of the Lower Thebaid, the capital of which, as already noted, was the Hadrianic foundation of Antinoopolis. The lands around Aphrodito were not of themselves naturally fertile; they were marginal lands some distance from the Nile, dependent for their cultivation upon canal irrigation and water-lifting machinery.[9] In spite of the challenges posed by irrigating the land, agricultural productivity would nevertheless appear to have been sufficient to have maintained an overall population in the village of some seven thousand or so.[10] The village's total cultivated area seems to have been somewhere in the region of 4,000 acres, most of which was taken up with arable cultivation.[11]

Aphrodito was thus very much on the large side for an Egyptian village, and is perhaps to be more accurately described as a prosperous rural market town.[12] Certainly, the papyri record a very high degree of social and economic diversification and differentiation amongst its inhabitants. Thus, in addition to farmers, peasants, and shepherds, we encounter teachers of Greek grammar, doctors, artists, a host of public and military officials, as well as merchants, skilled artisans, and textile workers, all resident in the town.[13] What might be termed the more 'urban' character of Aphrodito as

[8] Bell 1944: 28–9. For a more positive reading, see, for example, MacCoull 1988: 58–63, Gagos and Van Minnen 1994: 58, and Kuehn 1995.

[9] See *P.Lond.* V 1674, lines 30–1. [10] MacCoull 1988: 7. [11] Banaji 2001: 10–11.

[12] Bagnall 1993: 110 provides some means of appreciating statistically the extent of Aphrodito's unusual size: Aphrodito's estimated population should be placed in the context of that of other Egyptian villages – 'There were some two thousand to twenty-five hundred of them; their residents farmed an average of 1,000 hectares gross, about seventy-five per cent of them arable. A fair estimate of the average population would be 1,270 . . . A large village might have 5,000 inhabitants or more, while a small one . . . might have a few hundred.'

[13] See MacCoull 1984: 65–77.

compared to many other sixth-century Egyptian villages was evidently not lost on certain of its inhabitants: in *P.Mich*. XIII 661 we actually find the settlement described as a *polis*.[14]

Amidst such occupational diversity, it is possible to identify an underlying social hierarchy within Aphrodito. First, the papyri record the existence of a village elite made up of the *protokometai* such as Dioscorus and his father, also referred to in the papyri as the 'contributors' (*syntelestai*/συντελεσταί), 'the men of property' (*ktetores*/κτήτορες), or, when petitioning the imperial authorities, the 'small property owners' (*leptoktetores*/λεπτοκτήτορες). Essentially, the *ktetores* emerge from the papyri as a semi-professionalised gentry, bilingual in Coptic and Greek, owners of extensive landed properties, in the exploitation of which they frequently maintained an active interest. Ranked alongside the *ktetores* we find the priests of the various churches located in and around the town, and the heads of the local artisanal guilds. Thus, for example, *P.Cairo Masp*. III 67283 preserves a copy of a report sent to the Empress Theodora by leading members of Aphroditan society. The document was signed by twenty-two *ktetores*, one *protokometes*, the collector of the public taxes, eleven priests and three other churchmen, two legal notaries, a wine dealer, and six guild masters.[15]

Next we encounter a group of entrepreneurial peasant farmers described as 'leaseholders' or *misthotai*.[16] These *misthotai*, alongside whom we should probably place many of the merchants, artisanal workers, and guild members attested in the papyri, are recorded to have owned property of their own, but also leased often substantial plots of land from their social superiors, on which they, like the *ktetores*, employed what were primarily landless agricultural workers or *georgoi*.[17] In addition to these *georgoi*, the papyri record other, somewhat more marginal or marginalised social groups such as field-guards, shepherds, and casual labourers.[18] Dioscorus' family archive evinces the existence of an essentially tripartite social structure within which individuals were ranked in terms of property relations: owner; leaseholder; land-labourer. It would not be unreasonable to describe these three distinct groups as three distinct classes.[19]

APHRODITAN *GEOUCHOI*?

No *geouchos*, no great landowner of the Apion type is recorded to have been resident in Aphrodito. Of itself this is not surprising. The culture of the

[14] *P.Mich*. XIII 661, line 11.

[15] *P.Cairo Masp*. III. 67283. See also MacCoull 1984: 65–77 and Keenan 1984b: 957–63.

[16] See, for example the case of Aurelius Phoebammon in Keenan 1980: 145–54.

[17] Keenan 1985a: 137–69. See also Banaji 1999: 197–8.

[18] See Keenan 1985b: 245–59, MacCoull 1984: 68.

[19] See de Ste Croix 1981: 42–9.

sixth-century imperial aristocracy remained essentially urban in focus, and for a great landowner to have principally resided anywhere other than within an officially designated *polis* or its suburbs would have been exceptional. In spite of first impressions, however, that is not to say that Aphrodito was necessarily beyond the reach of magnate influence, be it social, political, or economic. On the contrary, the papyri reveal that members of the imperial and provincial elite played a very major role in Aphroditan social relations.

Foremost amongst these was the *comes* Ammonius, a number of whose estate accounts are preserved in the Dioscoran archive.[20] Alas, these documents are too fragmentary for any clear picture to emerge as to the scale of production on Ammonius' Aphroditan landholdings.[21] Nevertheless, that the *comes* was a man of considerable wealth and influence is strongly suggested by a number of facts. Described in the sources as 'the most glorious count' (ὁ ἐνδοξότατος κόμης) and 'most magnificent' (ὁ μεγαλοπρεπέστατος), Ammonius seems on the basis of *P.Ross.Georg.* III 37 to have been a *comes sacri consistorii* and former *dux Thebaidis inferioris* – that is to say, he was a member of the imperial 'inner circle' in Constantinople and had served as the local provincial governor. *P.Flor.* III 304 would further suggest that Ammonius not only owned land around Aphrodito and Antaeopolis, but also the city of Hermopolis. Rather than being one of the lesser *comites* such as we find employed as estate managers in the Hermopolite account *P.Bad.* IV 95, Ammonius belonged to that class of magnate *geouchoi* identified and examined in chapter five.

It is also worth noting that Ammonius employed Dioscorus' father Apollos as overseer, or *hypodektes* (ὑποδέκτης), of his Aphroditan estates.[22] It is for this reason that fragments of his estate accounts survive from Dioscorus' family archive. Dioscorus' father belonged to the wealthiest and most

[20] See *PLRE* III Ammonius 1: 56–7. For estate accounts see *P.Cairo Masp.* II 67138–40, III 67347. A number of estate accounts relating to the property of an unnamed landowner should also perhaps be associated with Ammonius, see *P.Cairo Masp.* II 67141, 67142, 67143, 67144, 67148, 67150.

[21] Thus whilst Johnson and West 1949: 49 suggested that Ammonius' accounts '[do] not indicate an estate of any size', they are obliged to acknowledge (50) 'there is no way of estimating the size of the estate'.

[22] See *P.Cairo Masp.* III 67347, 67348, I 67062 and, above all, II 67200. See also the comments of Maspero, *P.Cairo Masp.*, vol. II, 26 – 'Cet hypodecte est un agent privé au service d'Ammonius, et non le percepteur public . . . comme le montre plus bas l'emploi fait de l'argent reçu par lui. Il s'appelle Apollos (fol. Ib l.7) fils de Dioscore (fol. IV a l.2) . . . sans doute père du Fl. Dioscore.' The identification of Dioscorus' father with Ammonius' ὑποδέκτης would appear to be certain, and was noted by Maspero. Subsequently, it would seem to have been forgotten in the secondary literature – thus no mention is made in *PLRE* III. Indeed Johnson and West 1949: 49 actually wrote 'From Aphrodito the archives of the family of Dioscorus yield important documents and it is not impossible that Count Ammonius, himself a proprietor on a small scale, was at one time his agent and kept his accounts.'

respectable stratum within Aphroditan society. He was, of his own right, a man of influence and power within the settlement.[23] That Ammonius should have employed such a figure as his overseer therefore tells us a great deal both of his own comparative social standing, and the likely extent of his social authority within the *kome*. Indeed, so significant a figure would Ammonius appear to have been within Aphrodito, that his private estate measure was even used in the context of economic transactions between its inhabitants.[24]

In addition to the *comes* Ammonius, a second *geouchos*, the 'most magnificent' (*megaloprepestatos*) Theodosius can be seen to have owned land around the town. Thus in *P.Cairo Masp*. I 67107 a payment is recorded to have been made by means of his receiving-measure.[25] This landowner will be returned to below, as he can be seen to have played an important part in events within the town in the 530s and 40s. A number of other great landowners are also recorded in the papyri. *P.Lond*. V 1701, for example, preserves a receipt issued on behalf of a certain Flavius Theodorus, 'the most magnificent count', to a wine steward by the name of Aurelius Heraclius, acknowledging that Heraclius had paid him 3 *solidi* minus 6 carats as recompense for wine owed by various of the villagers.[26]

Lastly, in *P.Cairo Masp*. I 67060 we find mention made of 'the former prefect Julian'. Initially described as 'most splendid' or *lamprotatos* (λαμπρότατος), between the years 548 and 550 Julian came to be styled 'most glorious and most magnificent' (*endoxotatos kai megaloprepestatos*) and is recorded to have owned an estate (*ousia*) within the vicinity of Antaeopolis and, by inference, Aphrodito.[27] As such, he should probably be identified with the 'most splendid landowner' (*lamprotatos geouchos*) recorded in an Aphroditan document dating from 537.[28]

[23] MacCoull 1988: 8 describes Apollos and his like as 'Coptic *dynatoi*'.

[24] *P.Lond*. V 1695, line 16.

[25] *P.Cairo Masp*. I 67107, lines 15–16 – dating from AD 540. This Theodosius is not to be confused with Ammonius' father – the *lamprotatos* Theodosius recorded in the papyri. See *PLRE* III Theodosius 6: 1291. Nothing is known of Ammonius' father other than his title and the fact that he was dead by 545 – see *P.Ross.Georg*. III 37.

[26] *P.Lond.* V 1701, lines 1–5.

[27] Those listed in *PLRE* III as Iulianus 13, 17, and 32 are all clearly the same individual. Martindale presumed they could not be, on the misapprehension that pagarchs held office for only a brief period of time – which would appear to be the opposite of the case.

[28] See Bell 1923: 43–8. Bell 1944: 21–36 suggests that the λαμπρότατος γεοῦχος may have been Ammonius. But Ammonius was an ἐνδοξότατος when this document was drafted. The only λαμπρότατοι recorded as probable landowners are Julian before 548, and Ammonius' father. Although we know the latter was certainly dead by 545, we have no indication how much earlier he died. Certainly, during the lifetime of Dioscorus' father, Ammonius appears to have already taken up leadership of the household. Julian thus seems the most likely landowner to identify with the λαμπρότατος of Bell's text.

The document in question was addressed to the Flavii Hermaus and Dios, described as 'our headmen and fellow artisans from the village of Aphrodito' by the 'community of huntsmen (or fishermen) belonging to the noble household of the said village'.[29] The members of the latter agreed to acknowledge the headmen as their supervisors for so long as the *geouchos* required, to obey their commands, and to assist in all the 'fine deeds' on which they were engaged.[30] At the same time, they agreed to pay all the customary and festal dues set out in the *homologia* contract they had agreed with the landowner.[31] The huntsmen or fishermen further acknowledged that if one of them were to marry, he would be obliged to pay the household two measures of wine, unless his wife were a daughter of one of his workmates, in which case only one measure was to be required.[32] Like the 'most magnificent' Theodosius, Julian was to find himself deeply embroiled in Aphroditan affairs in the mid sixth century, and will be returned to below.

Another means by which we can detect the intrusive presence of magnate landowners within the settlement of Aphrodito is through the evidence for their having deployed private armed retainers in the town. This emerges from the testimony of the Greek *ostraka* (inscribed pottery shards) that survive from the settlement.[33] As will be seen in chapter eight, in the sixth century great landowners frequently employed bands of armed retainers called *bucellarii*. Amongst the Aphroditan *ostraka* we find records of payment made by the guild of oil-workers within the town to various named individuals and groups. One of these (no. 23) records an order that one and a half measures of oil be issued to 'my lords the *buccellarii*'. That these *buccellarii* were connected to the affinity of a local great landowner is strongly suggested by the fact that a number of the associated *ostraka* mention just such a figure; thus no. 24 records an order to the oil-workers of Aphrodito authenticated 'by me on behalf of the most glorious *geouchos*'. Likewise, according to *ostrakon* 18, payment was to be made 'to the landowner's representative (*antigeouchos*) and those accompanying him'. *Ostrakon* 19 preserves a reference to 'Flavius Theodorus the most glorious

[29] Bell 1923: 45–7, text lines 2–5. The names of the signatories are lost because of damage to the end of the papyrus. Whether the contractees were fishermen or huntsmen is uncertain, although the apparent mention of a πάκτονα in line 23 perhaps suggests the former.

[30] Ibid. lines 6–13.

[31] Ibid. lines 14–16. ἑορτικά is obviously the correct reconstruction of the [αο]ρτικ. provided by Bell.

[32] Ibid. lines 18–19.

[33] See Gascou and Worp 1990: 217–44. The term used by the oil-worker – 'to my lords the *buccellarii*' – provides one with a valuable insight into how the magnate household evidently felt its retainers should be viewed by members of village society.

landowner', who is perhaps to be identified with the Count Theodorus recorded in *P.Lond*. V 1701.

The papyri thus reveal the existence of at least four, and possibly more, high-ranking *geouchoi* whose agents were operative in and around Aphrodito in the early-to-mid sixth century. Yet whilst figures such as the Count Ammonius or the former prefect Julian were evidently men of very considerable standing and prestige, during the lifetime of Dioscorus at least, the settlement would not appear to have come to be dominated by the overarching patronage of a single, hegemonic, great landowner. Rather, Aphrodito existed on the margins of magnate power.

This comparative autonomy is perhaps to be accounted for primarily in terms of Aphrodito's size and semi-urban character. For the relative wealth and sophistication of the settlement and especially that of its indigenous elite would have rendered the *kome* far more resilient to the blandishments and claims of local magnate landowners than the majority of smaller, less firmly rooted village communities would have been. The size and social character of Aphrodito may have done much to preclude the effective assertion of magnate control over the town. Nevertheless, the ambitions and demands of the powerful would have been a constant factor determining the choices and strategies available to men such as Apollos and Dioscorus in their attempt, as expressed by one draft petition found in the archive, to continue living 'like gentlemen, freely' (εὐγενῶς καὶ ἐλευθερικῶς).[34] In order to appreciate how such magnate pressures were expressed, and how the inhabitants of Aphrodito responded to them, we must turn to the question of the town's fiscal status.

APHRODITO AND *AUTOPRAGIA*

It was noted earlier that in *P.Mich*. XIII 661 certain of the sixth-century inhabitants of Aphrodito describe their home not as a *kome* but rather as a *polis*. It is conceivable that this designation recorded a long-standing memory within Aphrodito that until the administrative reforms of the fourth century the town had served as the metropolis of the tenth administrative district of Upper Egypt.[35] Aphrodito's former status goes a long way to explaining the highly urbanised character of life in the settlement, and it may have been by way of recognition of its past standing that, during the reign of the Emperor Leo I (r. 457–74), the town had been accorded the privilege of *autopragia* with respect to imperial taxation.[36] That is to say,

[34] See *P.Lond.* V 1674 and the comments of MacCoull 1988: 47–8. [35] Bell 1944: 24.
[36] See *P.Cairo Masp*. I 67019.

the *protokometai* of Aphrodito were rendered responsible for the collection and transmission of the imperial taxes expected from the town, and in this sense they enjoyed fiscal autonomy from the imperial officials at the nearby city of Antaeopolis.

The exemption of Aphrodito from the jurisdiction of Antaeopolis with regard to imperial taxes, was not, however, extended to the local charges to which the town was liable.[37] Moreover, if the *protokometai* of the settlement defaulted over the imperial taxes, it fell to the local provincial authorities to collect whatever sum was owed. From the late fifth century, therefore, Aphrodito's fiscal status was somewhat ambiguous. The result of this ambiguity, in the sixth century, was a series of disputes that pitted members of the town's elite against those charged with the collection of taxes for the region around Antaeopolis. The latter, it seems, were determined either to override the town's *autopragia* or to curtail it.

The provincial officials against whom members of the Aphroditan elite, including Dioscorus, found themselves arrayed were the pagarchs of Antaeopolis to whom provincial fiscal responsibilities had been delegated since the introduction of the institution at some time in the late fifth century.[38] Pagarchs were appointed from amongst the highest echelons of provincial land-owning society; the *geouchoi* encountered earlier.[39] Thus, as we have seen, the head of the Apion family held the title of pagarch for the region around Oxyrhynchus almost by hereditary right.[40] Of the nine named pagarchs who are known to have exercised fiscal authority in the general vicinity of Aphrodito during the course of the sixth century, and of whose social honorifics we possess evidence, seven are described as either 'most glorious' (*endoxotatoi*) or 'most magnificent' (*megaloprepestatoi*), or both, and one of the remainder, as will be seen below, held the rank of *lamprotatos*, or 'most splendid'. The latter, it turns out, was in fact acting on behalf of a female landowner styled *megaloprepestate*.[41] The honorifics *endoxotatos* and *megaloprepestatos* identify the pagarchs as members of the upper echelons of the sixth-century imperial aristocracy.[42]

[37] See Bell 1944: 25. These taxes are referred to in *P.Cairo Masp*. I 67060.

[38] The most convincing analysis of the development of the pagarchate remains Liebeschuetz 1973: 38–46. Much useful material has also been collected in Mazza 1995: 169–242.

[39] See Banaji 2001: 232, Table 9B showing 'pagarchs among the higher aristocracy'. Of seventeen pagarchs identifiable for the sixth century, thirteen are identified by Banaji as members of the 'higher aristocracy' of *endoxototatoi*, *peribleptoi*, and *paneuphemoi*.

[40] Liebeschuetz 1973: 44.

[41] Not all of these had dealings with Aphrodito – but see Mazza 1995: 227–33, with the addition of the Patricia recorded in *P.Lond*. V 1660.

[42] See Banaji 2001: 251–6.

Although theoretically liable to obey the commands of the local governor, pagarchs possessed a high degree of autonomy with regard to the provincial administration. By the mid sixth century, a governor could only dismiss a pagarch with the express permission of the emperor. This permission, in turn, could only be obtained via the praetorian prefecture in Constantinople. Pagarchical independence was further entrenched 'by virtue of the fact that whilst the tenure of governorships was short, pagarchs tended to remain in office for many years, if not for life'.[43] The Aphrodito papyri indicate that from the 540s to the 570s pagarchical responsibilities for the lands immediately surrounding the town were primarily exercised by two magnate households: that of the former prefect Julian encountered earlier, and that of a female landowner by the name of Patricia.[44]

The series of disputes with local pagarchs recorded in the Dioscoran family archive is thus likely to have possessed a social dimension which may help to explain its protracted nature. Although, at least as publicly presented, the cause of the friction lay in the town's fiscal status, the conflict would not appear to have been entirely reducible to questions of 'imperial tax law'. Rather, it was bound up with and fed off the conflicting interests and aspirations of different members of two distinct strata of local landed society: the *ktetores* on the one hand, and the *geouchoi* on the other.

THE APHRODITO TAX DISPUTE – PHASE ONE: APOLLOS, THEODOSIUS, AND THE FIRST EMBASSY TO CONSTANTINOPLE

The Aphrodito papyri record three periods of particularly acute conflict between villagers and local pagarchs, the first of which can be dated to the late 530s. In response to this, in *c.* 540, Dioscorus' father led a delegation to Constantinople to bring the complaints of the townsfolk before the person of the emperor, an effort that was to backfire spectacularly. As Justinian noted in an imperial rescript issued to Dioscorus in 551, Apollos

> was the leading man among the landowners there [in Aphrodito] and collected the tax payments of the whole village, which he paid to the officials of the provincial bureau; but since they suffered the most grievous injustices from those holding office at the time (οἱ κατὰ καιρὸν ἄρχοντες), they submitted to our imperial household and placed themselves under its patronage. But the most magnificent Theodosius (ὁ μεγαλοπρεπέστατος Θεοδόσιος), profiting by the absence of the

[43] Liebeschuetz 1973: 42.

[44] See *PLRE* III Flavius Iulianus 13/17/32 (734–5, 736, 740); *PLRE* III Flavia Patricia (970) and Menas 5 (875–6) – Menas is reported as acting on behalf of Patricia, and was presumably still doing so when he is recorded later.

petitioner's father, collected the taxes of the village but paid nothing whatever to the public account, so that the officials of the provincial office again exacted from the petitioners the taxes to which they were liable.[45]

According to Justinian, therefore, during the 530s, the inhabitants of Aphrodito found themselves in dispute with 'those administering at the time' – presumably a reference to the pagarchs. In response to this, Apollos had been sent off to Constantinople to have the village placed under imperial tutelage. Such imperial patronage was evidently meant to serve as a counterweight to the pressures exerted by local pagarchs and *geouchoi*. Whilst Apollos was away, however, a certain *megaloprepestatos* Theodosius – presumably to be identified with the '*megaloprepestatos* count Theodosius' recorded as a landowner around Aphrodito in *P.Cairo Masp*. I 67107 – collected the taxes owed by the town, but then 'pocketed' them (or at least, held on to them for his own purposes). This led the local representatives of the imperial government to turn up in the village and collect the taxes all over again.[46]

THE APHRODITO TAX DISPUTE – PHASE TWO: THE MURDER TRIAL AND FURTHER IMPERIAL APPROACHES

The dispute over Aphrodito's fiscal status continued into the early 540s. At this point the papyri reveal that certain of the villagers had begun to conspire with the local officials and magnates against their neighbours. This was to culminate in a brutal murder and dramatic trial that was to see a member of the local imperial elite arraigned before a military official, the *comes militum*. On the basis of the trial proceedings recorded on the, alas highly fragmentary, *P.Mich*. XIII 660 and 661, the background to the case can be reconstructed as follows. The events described appear to date from *c*. 542–3.[47]

P.Mich. XIII 660 opens with the testimony of one of the accused, a soldier by the name of Flavius Menas, who would appear to have been busy denying that he had received an illicit payment. Rather, Menas declares, a certain Sarapammon, bearing the lofty honorifics of *megaloprepestatos* and *endoxotatos*, had given money to the *boethos*, presumably the *boethos* or 'assistant' recorded in the Aphrodito papyri as charged with the collection of imperial taxes expected from the town.[48] The *boethos* had then handed

[45] *P.Cairo Masp*. I 67024.

[46] This is exactly the sort of phenomenon of which Justinian complains in his edict on Egypt – see *J.Edict* 13, *proemium*.

[47] See MacCoull 1990: 103, note 2.

[48] The βοηθὸς τῶν δημοσίων – see *P.Cairo Masp*. III 67283.

a sum of money over to Sarapammon's manager or *meizoteros*, who, in turn, had then handed it over to Sarapammon. We then find Sarapammon himself before the bar. He justified his having received money from the Aphroditan *boethos* on the following grounds: 'I did discover that some men from the village of Aphrodito made a conspiracy; they wished to make the village divided off [?] so that they could again attend minutely to murders and for that reason the conspirators have been asked for one pound of gold for the government.'[49]

The issue at stake would seem to have been some sort of claim to autonomy on the part of the settlement, presumably associated with its *autopragia*, which Sarapammon had interpreted as an aspiration to lawlessness. Accordingly, he had levied a fine on the village. Evidently Sarapammon at least held himself to be in a position of authority over the town.

P.Mich. XIII 660 would suggest that this fine was not the only price that the 'conspirators' were to pay. The trial proceedings go on to record the statements of two 'witnesses for the prosecution'. The first consists of a description of how the soldier, Menas, had set about killing Victor, one of the village priests, by beating him remorselessly for the better part of a day with a piece of irrigation machinery. The witness, Victor's brother, reported that the priest had died some ten or eleven days later. In the second statement, a woman by the name of Maria told of how, on Sarapammon's orders, Menas, accompanied by a band of *kephalaiotai* or village guild masters, had arrested her husband, Heraclius. They had taken him to the village jail, where they had spent their time carousing with him. Then, as evening fell, they had turned on Heraclius and put him to the sword. This had been followed by a botched (and presumably drunken) attempt to cremate his remains, which were eventually doused with water and stuck in a box; 'and I do not know', Maria testified, 'where they have laid them.'

According to *P.Mich*. XIII 661, Sarapammon was then asked to respond. His testimony was apparently on the lines of 'Heraclius was a sycophant who got what was coming to him. Did I bribe the lawyer Letoïus? I suppose so, but only because he thought what I said unreasonable.' In the remainder of the text we find an allusive reference to the possibility of the case being sent to Constantinople, and an explicit mention of the grain taxes owed to the imperial authorities.[50]

Whilst all this was going on, the Count Theodosius' earlier misappropriation of Aphrodito's tax revenues remained a cause of ongoing tension, leading Dioscorus, now, to petition the emperor on the village's behalf,

[49] Keenan 1995: 61. [50] Here I follow MacCoull 1990: 106–7.

albeit to little effect. As Justinian stated in the rescript he issued in 551: 'He [Dioscorus] . . . procured an imperial ordinance from us concerning this addressed to your excellence [i.e. the *dux*], but the intrigues of Theodosius proved stronger than our commands'.[51]

At the same time, disputes with the local pagarchs continued apace. In the late 540s (*c*. 547–53) pagarchical duties around Aphrodito seem to have devolved upon two landowners: first, the former prefect Julian, and, second, 'the most glorious and most magnificent' Flavia Patricia, acting through her estate manager or *dioiketes*, the 'most splendid secretary' Menas.[52] In 547 the inhabitants of the town petitioned the Empress Theodora, under whose personal patronage Aphrodito by this point had been placed. Theodora was informed that, contrary to established practice, Julian was attempting to add the village to his pagarchy.[53] The same complaint was later repeated to Justinian.[54] Whatever Theodora's intervention had consisted of, it had evidently been unsuccessful. Indeed the empress' death in 548 may well have emboldened Julian in his designs on the town. Accordingly, Dioscorus was obliged to make his way to Constantinople.

THE APHRODITO TAX DISPUTE – PHASE THREE: DIOSCORUS IN CONSTANTINOPLE

Quite what Dioscorus hoped to achieve from his mission to the imperial capital is not entirely clear. It would be reasonable to speculate, however, that he was seeking Julian's dismissal as pagarch. As noted earlier, this would have required the personal command of the emperor, obtainable only through the offices of the praetorian prefecture. Constantinople must have seemed a forbidding and awe-inspiring place to a man such as Dioscorus. As a young man, he had no doubt heard tell of its splendours, and manifold perils, from his father. If, as is possible, Dioscorus had been a student in Alexandria, he would at least have had some familiarity with life in an imperial metropolis. It was, of course, in the fleshpots of Alexandria that the future Empress Theodora had once plied her trade.[55] But Constantinople was not just a great city like Alexandria or Antioch. It was the very hub of empire, a unique '*megalopolis*' placed under the providential care of the

[51] *P.Cairo Masp*. I 67024. [52] See *P.Lond*. V 1660.

[53] *P.Cairo Masp*. III 67283. This special relationship between Aphrodito and Theodora was perhaps associated with Theodora's known anti-Chalcedonian sympathies, which were shared by figures such as Dioscorus. See Procopius, *Anecdota* 10.14 and especially 27.13 for Theodora's support of anti-Chalcedonianism. For Dioscorus' Christological position, see MacCoull 1982: 103–10.

[54] *P.Cairo Masp*. I 67019. [55] Procopius, *Anecdota* 9.28.

Virgin Mary; it was also, of course, the seat of the emperor, home to the *kosmokrator* or 'lord of the world'. Nowhere was imperial *dynamis* – imperial power – more palpable.

Dioscorus' private papers reveal how, during his trip to Constantinople, he sought to harness that *dynamis* to his advantage. For his cause to prosper, Dioscorus needed the support of powerful, well-born patrons, not least in the upper echelons of the office of the praetorian prefect of the east. As noted in chapter one, a tactic commonly employed to attract elite patronage was to make a display of one's literary talents. It is thus highly informative that, in addition to the petitions and suchlike that survive from the family archive, we also find verse compositions written by Dioscorus, meant for the attention of high-ranking officials in Constantinople and their kin. Thus, for example, we find verses addressed to the *silentarius* Dorotheus; to Hypatius, *exceptor* of the praetorian prefecture, and to an official of unknown rank by the name of Romanus. Some of these officials may have been of Egyptian background. One, certainly, would appear to have shared Dioscorus' Monophysite sympathies, a point Dioscorus chose to emphasise in his composition.[56] Most noteworthy of all is a particularly prolix and verbose poem addressed to Domninus, *cancellarius* to the praetorian prefecture.[57] We also find a verse written for Domninus' son.[58] This Domninus is almost certainly to be identified with the high-ranking official of the same name who, early in the reign of Justin II, renovated the imperial law courts or *praetorium* in Constantinople and adorned them with statues of the new emperor and his wife.[59] On that occasion Domninus found himself the subject of an epigram composed by the distinguished *littéraire* Paul the Silentiary.[60] Paul's poem is likely to have given him rather greater pleasure than that of Dioscorus. If Dioscorus had truly hoped to secure the dismissal of the pagarch Julian, then he was to return from Constantinople in 551 a disappointed man. All he was ultimately able to elicit from the emperor was an order to the *dux* of the Thebaid that Julian's activities be investigated.[61] This would appear to have been sufficient, however, to persuade Julian to leave Aphrodito in peace, at least for the time being.

DIOSCORUS AND THE DUKES

Dioscorus and his neighbours evidently maintained a certain naive faith in the ability of Aphrodito's imperial patrons to protect the village's interests.

[56] For the date and text of these poems, see the exemplary study of Fournet 1999: I, 378–89.
[57] Ibid. 386–7. [58] Ibid. 389. [59] *PLRE* III Domninus 2: 416. [60] *Anth. Gr*. 9.658.
[61] *P.Cairo Masp*. I 67024.

However, in 565 Justinian died. The new fiscal indiction was also imminent. The scene was thus set for the dispute over Aphrodito's fiscal status to reignite. Accordingly, in 566, Menas, estate manager to the pagarch Patricia, wrote a highly minatory letter to Dioscorus and his brother-in-law, Apollos:

> The *diakonetes* most beloved of God has reported to me nothing at all from your village, and yet see, the great landowners of the city, for example, the estate of the most illustrious Julian, the former prefect, which contributes to the village tax, has already paid its whole quota and gave me no anxiety on this score. Now I would have you know that unless you bring me by tomorrow the quota of the municipal and the village tax in full, you will not be thanking yourselves for it. Behold, then, I have written to warn you. And make sure you come with Apollos, for I need to talk to you.[62]

In 567 Dioscorus petitioned the *dux* of the Lower Thebaid, informing him that Menas had confiscated property belonging to him in the vicinity of the neighbouring village of Pthla. Menas had distributed Dioscorus' lands to others, but had insisted that Dioscorus pay the taxes due on them.[63] At the same time, he had ambushed a number of Aphroditans as they were on their way to market at the village of This. Their cattle had been seized and they themselves were imprisoned. But this was a mere taste of what was to come. Menas proceeded to block the canal at a time of high Nile, thereby preventing the irrigation of Aphrodito's fields. He and a bunch of his armed retainers or *buccellarii* had then turned up in the town. As Dioscorus reported: 'with a force of brigands, local levies and soldiers . . . [he] . . . made the village his prey, laying it waste worse than barbarians could have done . . . and he took seven hundred *solidi* in the name of the public taxes without giving receipts for them and credited us with none of the sum'.

Menas would seem to have been assisted in his depredations by the local *geouchos* and pagarch Julian. Thus in *P.Lond*. V 1674, dating from 570, Dioscorus complained to the *dux* that Julian had repeatedly and arbitrarily raised the rates of taxation levied on arable land and vineyards around the town. The result of this, combined with a poor Nile flood, was that many of the villagers had found themselves unable to pay their taxes. Consequently, Julian, like Menas, had visited the town with a body of soldiers and had committed various outrages. Part of the village had been burnt down, and a number of nuns raped. Suffering from the 'yoke of the pagarchy'

[62] *P.Cairo Masp*. I 67060. [63] *P.Cairo Masp*. I 67002.

as Dioscorus put it, the inhabitants of the town had found themselves ‘withered by the evil eye’.[64]

In the 560s, as in the 540s, the first instinct of the inhabitants of Aphrodito was to look to the imperial authorities for help. But crucially, unlike during the reign of the Emperor Justinian, it was now purely to the local representatives of imperial power that they turned. Once again, these appeals frequently took the form of verse compositions penned by Dioscorus. In 567, probably in response to the troubles at home, Dioscorus had sought and obtained employment as a notary at the court of the *dux Thebaidis inferioris* at the provincial capital of Antinoopolis. It should not surprise us, therefore, that many of the poems written by him at this time were addressed to the *dux* and members of his family. However, in composing these verses, Dioscorus was seeking more than mere self-advancement. Rather, he was attempting to mobilise the *duces* and their kin against those who threatened the autonomy of his beloved Aphrodito.

The crucial phrase here is the *duces* ‘and their kin’. On one level, Dioscorus was seeking to persuade the local governors, as representatives of imperial power, to intervene against what he regarded as the illegal activities of Julian and Menas. On another level, however, he was beseeching their patronage as local magnates in their own right. For Dioscorus’ verses alert us to the extent to which, in the late sixth century, many of the most important imperial titles and offices in the Lower Thebaid were held by members of a tightly knit circle of local families, such as the household of the otherwise unattested figure of Apa Dios.[65]

Dioscorus describes the household of Apa Dios as ‘of wealthy ancestry, with golden roots’[66] and a ‘fair senatorial house guarded by God’,[67] made up of individuals ‘unequalled in excellence amongst the high officials’,[68] united by a common bloodline ‘truly imperial and really golden’.[69] Amongst the sons of Apa Dios to whom Dioscorus addressed poems can be identified a certain Flavius Marianus Michaelius Gabrielius Sergius Bacchus Narses Conon Domninus Theodorus Callinicus. Callinicus served as *comes domesticorum* and *dux et augustalis Thebaidis inferioris c*. 570–3.[70] In one poem,

[64] *P.Lond*. V 1674. For a detailed account of this document, see MacCoull 1988: 47–51.
[65] See especially Fournet 1999: I, 326–9.
[66] *P.Cairo Masp*. I 67120 v F, line 3: χρυσ[ο]πύθμενος ῥίζης φιλεντόλου πλούτου. See Fournet 1999: I, 404.
[67] Fournet 1999: I, 404 – *P. Cairo Masp*. I 67120 v F, line 4: συγκλητικοῦ γένους καλοῦ θεοφυλάκτου.
[68] *P.Cairo Masp*. I 67120 v F, line 6: ἄνισος ἀρεταῖς παναρχόντων γόνος.
[69] *P.Cairo Masp*. III 67315, line 40: θεῖον ὄντως κ[ἀ]κριβῶς χ[ρ]υσοῦν γένος. Edited by Fournet 1999: I, 412.
[70] *PLRE* III Callinicus 4: 262–3.

Dioscorus describes how, by virtue of Callinicus' exertions 'the tillers of the soil laugh with joy for hope of completing their labours'.[71] In an *epithalamium* composed to mark Callinicus' marriage, Dioscorus descends into pure obsequy: 'You have surpassed the young and victorious Bellerophon. In stature and beauty, none is your equal. You have effortlessly surpassed Achilles and Diomedes . . . Be gracious to me, one who trembles with awe to sing your praise-song.'[72] Callinicus' brothers would appear to have included yet another *dux Thebaidis* – Dorotheus – along with a certain Marcus, who also served as a provincial governor.[73] Another brother, Colluthus, held the office of pagarch, and Dioscorus was clearly very keen to acquire his support. Thus Dioscorus beseeched him:

> O Colluthus, of comely form, eagle of the whole land of Aphrodite . . . You have come to take pity on the whole land of Aphrodite, racked by lamentable woes at the hands of lawless administrators. Be a source of tutelage to the poor . . . as you yourself stretch out a generous hand to all those who suffer . . . you, who have helped all the cities of the Thebaid.[74]

In reality, Colluthus was not perhaps quite the paragon of virtue painted by Dioscorus. Indeed, the inhabitants of the neighbouring town of Ombi went so far as to accuse him of paganism, and of illegally employing barbarian *bucellarii* against them.[75] They evidently regarded Colluthus in much the same way as Dioscorus did Julian and Menas. Dioscorus' desire to acquire the support of Colluthus and his brothers is thus unlikely to have been based on their superior moral character. Rather, he wanted access to their authority and power, both 'public' and 'private'.

The household of Apa Dios emerges as a family of very considerable wealth and substance in the Lower Thebaid, its members serving as both pagarchs and governors in the province. Accordingly, Dioscorus was eager for their patronage. But we also find him composing verses to members of other well-connected and well-born Antinoopolite families. Thus, for example, a certain Victor is praised as 'by fortune and descent unequalled in distinction'.[76] The unnamed recipient of a birthday poem is exhorted to 'Flourish and again flourish in your well-built halls, with your beloved children and your remarkable wife. May you reach an imperishable age, issuing comands amongst the notables.'[77] On the basis of Dioscorus' verses, society in the sixth-century Lower Thebaid emerges as just as aristocratically

[71] *P.Cairo Masp*. III 67315, line 58: γηπόνοι γελόωσιν ἐπ᾽ ἐλπίσιν ἔργα τελέσσαι.
[72] *P.Cairo Masp*. II 67179, lines 24–8. [73] See *PLRE* III Dorotheus 7: 423, and Marcus 7: 825.
[74] *P.Cairo Masp*. I 67120 v. B. [75] See *PLRE* III Colluthus 3: 320 and Dijkstra 2004: 137–54.
[76] *P.Cairo Masp*. II 67131, lines 6–7. See Fournet 1999: I, 100.
[77] *P.Cairo Masp*. II 67178, lines 6–8. See Fournet 1999: I, 422.

dominated as that of Apion Arcadia. Dioscorus sought to employ this to his (and Aphrodito's) advantage, by seeking to mobilise as many of these magnate affinities as possible against his pagarchical foes.

It is also highly suggestive that *c*. 566–7, at the height of Dioscorus's dispute with Menas, we find him writing an *epithalamium* to mark the wedding celebrations of Menas' employer, the landowner and pagarch Patricia.[78] As Dioscorus declared

> Your mother brought you into the world after having loved a true Phaethon of innumerable virtues. I call you by your illustrious name: daughter of Aphrodite. Effortlessly you charm, you, who possess the beauty of the Paphian goddess, who stands at Love's side. Longing has shaped your frame. You, who derive your nobility from your father Callinus, you await in your abode your beloved husband, the darling Paul, equal of the gods, as comely as Bellerophon.[79]

Either there were Bellerophons a-plenty in the Thebaid, or Dioscorus had a very limited repetoire. It is quite clear, however, what he was up to in composing this verse. Essentially, Dioscorus planned to flatter Patricia into reining-in her over-eager estate manager. His hope was evidently that, on either the occasion or celebration of her wedding day, she would be willing to grant relief to the inhabitants of what was, after all, known in Greek not as Aphrodito, but rather the 'village of Aphrodite' (κώμη Ἀφροδίτης). Patricia did not oblige.

CONCLUSION

From the 530s to the 560s, therefore, the *ktetores* of Aphrodito such as Apollos, Dioscorus, their neighbours, and friends, found themselves locked in a now hidden, now open struggle for autonomy. Their village had been granted the right of *autopragia*. They were eager to defend it. As the Oxyrhynchus papyri record, there was a perilously slippery slope between 'fiscal' subjection to a pagarchical great landowner, and eventual incorporation into his estate. It was for precisely this reason that men of rank such as Theodosius, Sarapammon, and Julian, or indeed, women such as Patricia, probably found Aphrodito's autonomy such an irritant. Not all the inhabitants of Aphrodito cherished their village's status to quite the extent that Dioscorus and his father did, but enough of them would appear to have done so to have kept up the fight.

[78] *P.Lit.Lond.* 100 c. For Milne's identification, see *P.Lit.Lond.* 74.

[79] *P.Lit.Lond.* 100 c, lines 3–12. Edited by Fournet 1999: I, 438.

Defending their autonomy was no easy matter. Two embassies to Constantinople were required to persuade the imperial authorities to intervene. Neither achieved anything other than a temporary abatement of pressure on the settlement. And when Justinian died, so too, apparently, did the imperial family's concern for the village's welfare. Ultimately, in the late 560s, the independence of the village can be seen to have come to depend upon the maintenance of a precarious balance between the social, economic, and coercive power of different, competing, aristocratic factions, affinities, and interests in its locality. We see no more court cases, no more apparent petitions to Constantinople. Rather, the fate of Aphrodito came to hang on the extent to which *geouchos* could be set against *geouchos*. In so far as we can judge, this strategy would seem to have worked. In about 573 Dioscorus was able to return to Aphrodito and probably ended his days there. Fawning and flattery are not the chosen weapons of the mighty. In the hands of the relatively weak, however, they can occasionally be effective.

It was ultimately the plurality of patronage networks around Aphrodito that rendered contestable the authority of any one pagarch or landowner at any given moment in time. The papyri reveal that the social influence of such magnate *geouchoi* was, nevertheless, a basic and ever menacing fact of life; one that must have loomed even larger in the majority of lesser, more vulnerable Egyptian villages. It was not only on the great estate that the power of the great landowner was to be felt.

CHAPTER 7

Landscapes of power: the great estate beyond Egypt

La plaine appartient au seigneur.[1]

> To the established families of Tripoli, the main city of north Lebanon and urban centre for Akkar, 'the mountain' is the epitome of unregenerate 'tribalism' and savage 'backwardness'. The warrior figures of the Jurd with their upturned moustaches, rifles and bandoliers seem the very type of archaic traditionalism. They represent the polar opposite of city values and are the subject of a certain mocking humour. But to the people of the foothills and plain, the Jurd signifies something more precise, and more immediate: clanship, autonomous self-help, heavily armed men, forces to be feared and not easily restrained. Men of the higher villages sometimes 'come down' on the lower settlements in a raid or in furtherance of some political dispute. Most seriously, they can cut the water supply to the lower settlements. The state gives little protection against these mountain communities who live very different lives from the small cultivators and labourers. Only powerful lords such as the Minister can ensure that relations with the Jurd remain relatively stable.[2]

INTRODUCTION

As seen in chapter five, the documentary papyri record the existence in fifth- and sixth-century Egypt of highly monetised and, by implication, highly commodified bipartite great estates owned by members of the late antique aristocracy of service. These estates were worked by agricultural workers, often resident on estate-owned settlements styled *epoikia* or *choria*, who split their time between allotments associated with these holdings (*ktemata*) and the centrally administered estate 'in hand' or demesne (the *autourgia*).

These *epoikia* would not appear to have been terribly large: they were typically home to some two-to-three hundred inhabitants, and agricultural

[1] Braudel 1949: 65. [2] Gilsenan 1996: 10.

workers were moved between them according to the demands of the landowner or his representatives.[3] At the same time, such great estates included property in and around more substantial villages, styled *komai*, the largest of which, such as Aphrodito, may have had populations of up to ten thousand. Whilst it seems to have been relatively rare for any one landowner to own a *kome* in its entirety, the figure of the great landowner nevertheless often played a vital role in the life of such settlements, offering – or withholding – his patronage and protection. Many of the estate *autourgiai*, such as the Apion property 'Outside the Gate' or the domain near 'To Skelos' recorded in *P.Iand. Inv*. 953, apparently consisted of large, *latifundia*-style blocs of land. The village holdings of great landowners, by contrast, are likely to have consisted of individual strips of property, located alongside those of men such as Dioscorus.

Aristocratic land-ownership would appear to have been at its most extensive in the immediate vicinity of the great cities of the Nile Valley, such as Oxyrhynchus and Hermopolis, concentrated on the best-quality and most easily irrigated land. The more marginal the area, the less pronounced the aristocratic domination of ownership is likely to have been. In the far south of Egypt, for example, 'situated in the low desert plain . . . out of the reach of the Nile's annual flood', we have papyrological and archaeological evidence from the sixth and seventh centuries for the *kome* of Jeme, the *protokometai* of which were able to get on with their lives relatively untroubled by outside influences.[4] The great estates, as we have seen, were highly commercialised enterprises. They needed to be within reach of the great urban markets and centres of consumption. Given this imperative, there would have been every reason to have left the population of Jeme, estimated at one-to-two thousand, to its own devices.

But if, as has been argued, aristocratically owned, bipartite estates were an important feature of life in Egypt in the fifth and sixth centuries, to what extent was this true in the other provinces of the Eastern Empire? Here, as noted in the Introduction, we are faced with the dilemma that it is only for Egypt that we possess a large body of documentary sources such as enable us really to get to grips with the social history of the region.[5] However, through archaeology, epigraphy, saints' lives, and legal texts, we are able to get somewhere, but each type of source poses its own problems.

[3] For the size of *epoikia* see Banaji 2001: 11–12, note 38.
[4] Wilfong: 2002: 1.
[5] Although note the recent and ongoing publication of the carbonised papyri that have been excavated in Petra: see Koenen 1996. None of those yet published have, however, revealed much information pertinent to this study.

THE LIMITATIONS OF THE ARCHAEOLOGICAL EVIDENCE

Over the last forty years an enormous amount of both excavation and survey archaeology has been conducted in the provinces of the early Byzantine Near East.[6] Very little of this archaeology, however, is of direct relevance to study of the nature or extent of large estates. This is due partly to the agenda adopted by archaeologists, and partly to the nature of the archaeological record itself. Even in those areas, such as Palestine, where archaeological work has been most extensive, the main focus of this work has been upon the identification and recording of monumental remains: religious and 'political' architecture such as churches, synagogues, and governors' residences; grand urban and suburban housing; extravagant and finely crafted mosaics.[7] Until comparatively recently, the archaeology of the agrarian economy has, by contrast, been rather neglected.[8]

Moreover, such evidence for the agrarian economy as has been uncovered has tended to be found in relatively marginal areas or in areas where agriculture is difficult, such as the mountainous highlands of the Syrian limestone massif, or on the fringes of the Negev desert in southern Palestine.[9] Yet these are precisely the sorts of areas where aristocratic dominance of land-ownership and of the economy more generally would have been at its weakest. The best and most productive land beyond Egypt was to be found in the lowland zones of the empire, near cities, and along lines of strong arterial (and above all maritime) communication: the plains of Thrace; the coastal zones of western Asia Minor; the Orontes valley; the banks of the Euphrates; the Palestinian littoral. It is here that members of the imperial aristocracy would have been most eager to build up estates. Thus, in the fourth century, Ammianus Marcellinus commented on the rich villages and estates of Thrace, the wine-producing estates on the banks of the Euphrates, and the well-cultivated plots of Palestine.[10] By virtue of the very fact that these areas were, and generally remained, the most productive, they are also those that have tended to remain the most heavily and continuously populated. Such continuity of habitation inevitably leads to the disruption and destruction of the archaeological record and makes it much harder to get at such evidence as survives. The same is true of

[6] For a general overview, see Chavarria and Lewit 2004: 3–51.
[7] For discussion, see Lavan 2003: vii–xvi. [8] See Whittow 2003: 417–18.
[9] See Foss 1995: 213–34 and Ward-Perkins 2005: 142 where he notes of the limestone hills of northern Syria that 'much of the cultivable soil is confined to tiny pockets in the bare rock'.
[10] Ammianus Marcellinus, *Res Gestae* 19.2.2; 30.1.9; 14.8.11; 31.6.5; 31.16.3; 28.6.4.

epigraphic remains. Carefully carved late antique masonry bearing Greek inscriptions makes excellent walls for Turkish, Slav, and Arab (and Greek) villagers and townsfolk. In so far as accessible archaeological evidence for the late antique countryside exists, it consequently tends to be from those areas that are of the least value to the historian of the great estate.

Lastly, it should be noted that such archaeological evidence is also very difficult to interpret in ways that are useful for the writing of social history. Archaeology is excellent for conveying a sense of the scale and sophistication of the late antique economy: from examining the remains of a village, for example, we can ascertain at what level of material culture its inhabitants lived, or what sorts of agricultural or artisanal activities they engaged in. But were these inhabitants free or unfree? Did they own the village, or did somebody else? These are precisely the sorts of questions to which historians need answers. On the basis of the archaeology alone, such answers are only very rarely forthcoming.[11] For example, whilst the boundaries of a large, *latifundia*-style estate may, possibly, be discernible, how are we to distinguish between a peasant-owned plot on the outskirts of a *kome* and an aristocratically owned one?

THE 'DISTORTING MIRROR' OF HAGIOGRAPHY

Our most readily accessible material evidence for rural life in the east thus survives from those parts of the empire where great estates are likely to have been of least significance. This necessarily means that over-reliance upon archaeology will inevitably distort our understanding of the role played by such estates in the late antique economy. A similar point needs to be made with respect to the testimony of many of the extant saints' lives written in the Eastern Empire in the fifth, sixth, and seventh centuries, such as the *Life of Nicholas of Sion* or that of Theodore of Sykeon.[12] These texts often provide the reader with a vivid portrait of agrarian social relations, one from which the figure of the secular great landowner is notably absent.[13] Such saints' lives frequently stress the potential restlessness and independence of the peasantry and emphasise the role played by religion and by religious institutions in the maintenance of social order. The *Life of Theodore of*

[11] See Sodini 2003: 28; and Horden and Purcell 2000: 269, who comment 'archaeological evidence may be neutral between many different kinds of social relationship . . . The interpretation of material evidence must allow for the more complex "superstructure" of social activity which accompanied the visible changes.' Some archaeologists do nevertheless try to provide answers – see Tate 1992.

[12] For which see Brown 2000: 781–810 and Foss 2002: 88.

[13] Sarris 2004b: 57–8 and Brown 1971b: 80–101.

Sykeon, for instance, set in Galatia in the early seventh century, relates an episode in which the failure of a leading figure (*protector*) from the city of Anastasioupolis to heed the advice given him by the saint culminated in an armed confrontation between himself and the inhabitants of a nearby village.[14] Throughout the work, Theodore can be seen maintaining and restoring peace and harmony to agrarian social relations through his interventions, exorcisms, and cures.[15]

This picture should not, however, be taken at face value. These saints' lives were literary texts, typically written in an official, prestige language, for a literate elite audience.[16] The emphasis within the texts on the role of 'holy men' in the maintenance of social order in the countryside need not necessarily reflect a social reality. Rather, it may have represented an effort on the part of early Byzantine hagiographers to bolster the prestige of individual saints and, in particular, religious institutions such as monasteries, with which the memory of an individual 'holy man' was often associated, an effort primarily targeted at powerful secular patrons whose financial assistance such institutions are likely to have craved.[17] On this model, the texts can be read as 'patronage seeking' documents aimed at members of the secular land-owning elite.

Accordingly, it would have been natural and perhaps, important, for the writers of saints' lives to present a somewhat distorted picture of agrarian social relations, conveying an exaggerated sense of the potential or actual autonomy of the peasantry, and overstating the importance of the interstitial role played by the Church. By so doing, the hagiographers would have been able to play upon the anxieties of a secular land-owning elite, resident primarily in the cities of the empire, and thus at some remove from the rural estates that were the basis of their wealth. The extent to which early Byzantine saints' lives may have been written with the literary tastes and social sensibilities of an upper-class audience in mind would certainly help to explain the near total absence of the figure of the great landowner from many of the hagiographic accounts. To include the person of the well-born landowner, be he of curial status or of higher social standing, would have been to invite criticism, or at least judgement of him, and such judgement is unlikely to have been welcome. It is worth noting the grounds on which, in the year 531, the Emperor Justinian sought to prohibit *curiales* and members of provincial *officia* from becoming bishops or priests: 'it is not right',

[14] *V. Theod. Syc.* 76. [15] Mitchell 1993: 122–50. [16] Hayward 1999: 127 and 135.

[17] See, for example, *V. Theod. Syc.* 1–2. For the relationship between 'holy men', hagiographers, and monasteries, see Mango 1997: 264–84. For the secular patronage of monasteries, see Brenk 2004: 447–76.

Justinian declared, 'for a man who has been brought up to indulge in extortion with violence, and the sins that in all likelihood accompany this, and is fresh from deeds of the utmost harshness as an office-holder or *curialis*, suddenly to take holy orders and to admonish and instruct concerning benevolence and poverty'.[18]

Complicity between ecclesiastical author and elite audience is a common feature of late antique Christian literature. For example, in the late fourth or early fifth century, Bishop Synesius of Cyrene chose to describe in one of his letters (meant, of course, for public circulation) how the peasantry of inland Cyrenaica had never encountered seafood. On seeing salted fish spill out of an Egyptian amphora, Synesius claimed, some of the peasants 'said they were the bodies of evil snakes, sprang up and took to flight, for they suspected that the spines were as dangerous as the poison of a serpent's fangs'.[19] It is increasingly clear from the evidence of ceramic finds that far more imports from coastal zones penetrated the late antique countryside than this anecdote would suggest.[20] But the whole point is that Synesius probably did not intend the anecdote to be taken seriously: it bears all the hallmarks of a joke, between himself and his well-born and literate readership, of which the peasants of Cyrenaica are the butt.

We should also note that many of our saints' lives are, once again, set in marginal zones, on the edge of 'cultivation' in every sense of the word, areas where the visibility of the great estate is likely to have been extremely limited. Theodore of Sykeon, in the seventh century, treads the windswept highways of the Anatolian plateau; Nicholas of Myra, in the sixth century, performs his exorcisms and cures in the villages of upland Cilicia, just as, in the fourth century, St Anthony had taken himself off into the depths of the Egyptian desert. These are not settings where one would naturally expect to find large aristocratic rural properties.

Fortunately, from our perspective, some 'holy men' were drawn rather nearer to the centres of *polis*-based civilisation, especially in Syria, where the symbolic world of the 'desert' and areas of more permanent settlement merged and intermixed.[21] In particular, crucial insights into the social topography of the Orontes valley to the south-west of the city of Antioch

[18] *Codex Iustinianus* 1.3.52 *proemium* 1: τὸν γὰρ ἐντεθραμμένον εἰσπράξεσι σφοδραῖς καὶ τοῖς διὰ τοῦτο ὡς εἰκὸς ἐπισυμβαίνουσιν ἁμαρτήμασιν οὐκ ἂν εἴη δίκαιον ἄρτι μὲν εἶναι ταξεώτην ἢ βουλευτὴν καὶ πράττειν τὰ πάντων πικρότατα, εὐθὺς δὲ ἱερέα χειροτονεῖσθαι περὶ φιλανθρωπίας τε καὶ ἀκτημοσύνης νουθετοῦντα καὶ ὑφηγούμενον δόγματα.

[19] Synesius, *Ep*. 148 – cited in, and brought to the author's attention by Kingsley 2003: 116.

[20] Kingsley 2003: 116.

[21] See Brown 1982: 103–52, 111, and 1982: 153–65. An excellent discussion of the Syrian landscape is also to be found in Key-Fowden 1999.

emerge from two sixth-century hagiographical sources: the *Lives* of Symeon the Younger and his mother, St Martha.[22] This was a prosperous and intensively cultivated region for which, alas, extant archaeological and epigraphic evidence is scant.[23] Nevertheless, between them, these texts reveal the existence of a dense network of *choria* mostly bearing the Greek and Roman names of their owners: the *chorion* of Antas; the *chorion* of Pollio; the *chorion* of Tiberinus. By contrast, only two *komai* are encountered. The impression is of a landscape dominated by great estates owned by members of the Hellenised and Romanised urban elite.[24]

ARCHAEOLOGICAL AND EPIGRAPHIC EVIDENCE FOR GREAT ESTATES

Likewise, it is instructive that, even with respect to certain of the marginal zones, the epigraphic and archaeological data are increasingly revealing the presence and activities of great landowners and their agents. A number of late antique villa sites have been identified in Greece, where the inscriptional evidence points to 'the existence of big land-owning families'.[25] Similar villa sites have been surveyed in Syria, the Nile Delta, Cilicia, the Lebanon, Palestine, and Cyprus.[26] Many of these villas were clearly associated with specialised agricultural production for commercial markets: a number of what have been described as 'industrial estate complexes', for example, have been identified in the region of maritime Caesarea, primarily engaged, it would appear, in the production of wine.[27] Such estates are likely to have served as the backbone of the great export trade in Palestinian wines that we find revealed by the ceramic evidence from the fourth and fifth centuries onwards.[28] The vintage, as we have seen, was an important feature of life on the Apion estates in the vicinity of Oxyrhynchus in the sixth century.[29] Wine was a staple of the ancient and late antique diet for which there existed

[22] *La vie ancienne de S. Syméon stylite le Jeune*, including that of St Martha; ed., trans., and comm. P. Van den Ven, 1982.

[23] Pollard 2000: 231. [24] Feissel 1991: 287–302.

[25] Chavarria and Lewit 2004: 19. For villas in Greece, see Alcock 1993; Rizakis 1995: 226–7 and 233; Akerstrom-Hougen 1974; and Rothaus 1994.

[26] See Gautier 1994: 17–48; Sodini 1997: 435–577, especially 506–14; Edwards 1989: 46–56 and Eyice 1981: 865–86 and pls. 385–400; Hirschfeld and Birger 1991: 81–111; Tsafrir 1996: 269–83; Donceel-Voute 1993: 126–7; Hirschfeld 1998: 161–8; Dar 2003. For the Nile Delta, see Haas 2001: 47–62. For Cyprus, see Papacostas 2001: 107–28.

[27] Hirschfeld 1997: 46. [28] See Kingsley 2003: 113–38 and 2001: 44–68.

[29] Hickey 2001 argues that the Apion household was self-sufficient in wine rather than a commercialised producer of it. However, his argument fails to take into account the possibility (indeed, the likelihood) of auturgical or centrally directed wine production: he essentially focuses on ktematic revenues.

a ready market: it has been estimated, for example, that wine provided 'one-quarter of an individual's daily calorific intake, and about one-third of the body's iron requirements'.[30] Moreover, the highly intensive and seasonally variable labour requirements of viticulture would have been perfectly suited to the bipartite labour organisation of the great estates as recorded in the papyri. The archaeological evidence for wine-producing estates around Caesarea, and the ceramic evidence for the Palestinian export trade, can be (and arguably should be) read as evidence for the widespread existence of similar bipartite estates in Palestine at this time.[31] In addition, we should note that what were apparently estate-owned *epoikia* are a common feature of the epigraphic record from late antique Palestine.[32] Wine production was also a feature of life in the northern Syrian limestone massif, where, once again, late Roman estate *epoikia* may be identifiable on the basis of the region's post-Byzantine Arabic toponymy.[33]

The villages of the northern Syrian limestone massif, the remains of over seven hundred of which survive to this day, often in a breathtakingly good state of repair, provide by far our most spectacular archaeological evidence for rural life in late antiquity. Their survival owes a great deal to the fact, however, that most of them were built on highly unpromising land and would seem to have been abandoned in the eighth and ninth centuries.[34] The inhabitants of this region engaged in mixed agriculture and livestock rearing, and they lived in what, in many instances, was well-constructed, stone-built accommodation.[35] Some of the houses that survive are very grand indeed. Most are two-storey, and some contain as many as thirteen rooms. However, the prosperity of these villages and their inhabitants should not be overstated. The houses were two-storey by virtue of the fact that animals were kept on the ground floor. Only one-half of one per cent of the houses that have been surveyed consisted of thirteen rooms or more. The overwhelming majority consisted of three rooms or fewer. None of these houses had latrines or separate rooms for kitchens. We do not know how many people inhabited them, although, in most instances, one

[30] Kingsley 2001: 46.

[31] It is instructive, as Prof. C. Wickham has pointed out to me, that when bipartite estates appear in the polyptyque evidence from Merovingian and early Carolingian Francia, they are frequently attested as having included vineyards. See Sarris 2004a: 309–10.

[32] Hirschfeld 1997: 36.

[33] Sodini: 2003: 47, describing how Tchalenko sought to identify *epoikia* with those villages with names beginning with beit/ba, and *komai* with those beginning with kafr. This methodology has been corroborated by Feissel 1991: 296–300. For wine production in Syria, see Decker 2001: 69–86.

[34] See the magisterial works of Tchalenko 1953–8 and Tate 1992. Also seminal is Sodini *et al.* 1976–8: 1–304; on the agricultural regime of the Limestone Massif, see Gautier 1994: 17–48.

[35] In general, Decker 2001: 69–86.

'nuclear' family per room might be a reasonable hypothesis. The villages, and houses, can be seen to have expanded through to the mid sixth century. Thereafter, the expansion appears to have stopped, and the villages became ever more shambolic in appearance. All of the houses were built to a similar plan, although the larger ones tended to be adorned with better-quality masonry and decoration than the others.[36]

It is often hypothesised that these villages were inhabited by prosperous, autonomous peasant farmers. That some of them were seems highly likely.[37] As we have seen, this was land where agriculture was difficult, and, as a result, is likely to have been relatively unattractive from an aristocratic perspective.[38] However, there are also some indications (beyond the toponymic) that, through to the mid sixth century at least, many of these villages were, nevertheless, owned by or connected to aristocratic landowners, presumably resident in the great cities of Antioch and Apamaea in the plains below. First of all, the very regularity of the housing, in terms of type and construction, would imply some sort of supervising agent or overarching figure of authority.[39] It has already been noted with respect to the documentary papyri that the managers of the great estates went to great pains to maintain the physical infrastructure of the estate settlements and village properties. It has also been noted that those who worked on such estates were far from uniformly pauperised. Evidence of relative prosperity is not, of itself, evidence of autonomy. Second, the physical decadence of these villages from the late sixth century onwards is highly suggestive, as can be seen if we turn our attention to the great cities of the plains, typified, for our purposes, by Antioch.

Antioch in the fifth and early sixth centuries was one of the greatest cities of the Eastern Empire.[40] The total territory belonging to the city 'comprised about 4,000 square kilometres'.[41] The grand suburban villas of the *proasteion* of Daphne and the mosaics that have been uncovered there, record the presence of a wealthy and confident aristocracy, the members of which must have owned very substantial estates. However, in 526, then again in 528, the city was struck by violent seismic activity that obliged the government to remit its taxes and send aid there on a massive scale.[42] Worse was to follow. In the spring of 540 the Persian Shah Khusro I, along with his Arab allies, sacked the city and enslaved much of its population, although before he was able to do so most of the wealthy fled, taking their money with them.[43] We must assume that many of the rich returned when

[36] Here I attempt to condense Tate's findings. See also Foss 1995: 213–34. [37] See Sarris 2004b: 57.
[38] Whittow 2003: 417–18. [39] As argued by Horden and Purcell 2000: 270–4.
[40] See Foss 2001: 23–8. [41] Decker 2001: 81. [42] Foss 2001: 23. [43] Ibid. 24.

the city was rebuilt. However, although a truce was declared on the Syrian front in 545, warfare was to return to the area in 573, 578, and 582. Finally, in 610, Syria was conquered by the Persians in its entirety – an occupation that was to last some eighteen years.[44]

The increasingly shoddy state of repair of many of the villages of the northern Syrian limestone massif would appear to coincide with these military disturbances in the plains below. This might suggest that the physical decadence of these settlements from the mid sixth century onwards was, at least in part, the result of an ever more pronounced dislocation of ties of investment, patronage, and possibly ownership, between these villages and the aristocratic *geouchoi* of the lowland zone.[45]

We have already seen that the region to the south-west of Antioch, where much aristocratic land-ownership is likely to have been concentrated, is poorly served by the archaeological and epigraphic evidence. Nevertheless, if we take the epigraphic data for northern Syria as a whole, including the plains of Antioch (the 'Antiochene') and those within the *territorium* of the city of Apamaea (the 'Apamene' – once again, perhaps some 4,000 square km of land 'including the villages of southern Jebel Zawiye and the vast sweep of Orontes river valley and plains opening to the Syrian Steppe'),[46] a wealthy stratum of great landowners is clearly discernible. An estate belonging to a certain Patrikius is recorded on a boundary stone in the *territorium* of Seleucia Pieria on the western coast of the province of Syria I. Sometime between 521 and 527 the property came into the possession of the future emperor Justinian.[47] Within the *territorium* of Antioch, inscriptions record a number of settlements owned by a single landowner, after whom, as with the settlements recorded in our saints' lives, they usually took their name.[48] Again, as in Palestine, and Egypt, and as recorded in the *Life of Symeon the Younger*, these tend to be designated *choria* and *epoikia*, although, as in the papyri, the word *topos* (τόπος) is also encountered, thus: '(Cross) *topos* belonging to the most glorious and gracious ex-consul'.[49]

As likewise recorded in the papyri, we see these landowners and their representatives investing in both the productive and social infrastructure of their village properties and estate settlements. The epigraphic data from fourth-century Syria I, for example, record the landholdings of a certain

44 See Greatrex and Lieu 2002.
45 See Foss 1997: 189–269 and, for the effects of warfare, Trombley 1997: 154–209.
46 Trombley 1997: 181.
47 *IGLS* 1232 = *SEG* 42, 1363: See Trombley 2004: 76.
48 Trombley 2004: 76.
49 Again, *IGLS* 1232 = *SEG* 42, 1363. For *epoikia* in the western Antiochene and in the province of Syria II, see *SEG* 41, 1527; *IGLS* 872, 883, 1031; *SEG* 30, 1149; *SEG* 36, 910, and 1279.

Bellichus son of Lybianus, 'whose inscriptions turn up in two places in the Chaldike, the desert steppe lying to the east of the Antiochene Massif Calcaire'.[50] One of these inscriptions records the construction of a grain silo in AD 353: 'By the providence of God, Bellichus son of Libianus [*sic*], having consideration for all, erected the grain silo and the touchstone out of his own toil, a beautiful work, in the year 665 (of the Seleucid era), on the third (day) of the month of Dios. Bellichus son of Lybianus.'[51]

We should also note in this context the sixth-century bathhouse constructed in the Apamene at the fortress of Androna. It was erected on the orders of an important local figure by the name of Thomas and its 'primary purpose may have been to serve the rural population of an estate that specialised in semi-arid agricultural techniques'.[52] Its associated inscription reads: '(Cross) I Thomas have given this bathhouse (Cross) to all the tillers of the land for the benefit of all, thereby giving myself remembrance. (Cross) (Cross) What is the name of the bathhouse? Health! Entering through this (gate), Christ opens to you the bathhouse of healing.'[53]

Agricultural workers employed on large estates are further referred to in a number of other Syrian inscriptions. Yet again, the epigraphy confirms the testimony of the papyri that these workers were often highly insecure agricultural labourers, moved between estate properties according to the needs of the household. Indeed, the inscriptions even make reference to day-labourers or migrant workers styled *metoikoi* (μέτοικοι) drawn to the estates.[54] One sixth-century inscription, from what may have been an estate labour-barrack at Abu al-Qudur in the southern Apamene, declares: 'Christ, help Thelas!, Christ, help my migrant labourers!'[55]

Additional epigraphic evidence for landowners investing in the infrastructural requirements of semi-arid agriculture can be found in the region to the north-east of Androna. At the small fortress of Ammatha, a late-sixth- and early-seventh-century landowner by the name of Gregorius Abimenus funded the construction of an aqueduct:

> It is natural for every [spring] to flow from a height down onto a plain and to change the dry place into a wet one. By divine assent this property happened to have a rocky spring and provided a suitable smoky medicine for [our] health. Gr[egorius] found an agreeable stream and made arrangements for its conveyance

[50] Trombley 2004: 77. [51] Ibid. 77. [52] Ibid. 79.

[53] Ibid. *IGLS* 1685. Thomas was also responsible for the construction of the fortifications at Androna – see *IGLS* 1682. Note also the late-fifth-century bathhouse recorded in the village of Sarjilla in the Apamene, the benefaction of a certain Ioulianos and his wife Domna: see *IGLS* 1490 and Trombley 2004: 78.

[54] See *IGLS* 1597; *SEG* 30, 1672. [55] *IGLS* 1870 and Trombley 2004: 82.

in such a way as to cure the sickness of his fatherland. So a rushing spring of life and sanctuary was conveyed [to this place]. The entire work was erected during the time of his youth . . . In the twelfth indiction.[56]

In the year 604/5, in the face of an anticipated Persian invasion, and in the apparent absence of effective imperial government, the same Gregorius played an important part in shoring up the defences of the nearby town of Anasartha:

(Cross) Lord, protect our most pious masters [Phocas a]nd Leontia. (Cross) Gregorius the all-praiseworthy, a pious branch that blossomed from a noble root, a person decorated with the fruits of virtue, presents this wall to God and spares his own fatherland the expense. The eighth indiction in the year 916 [of the Seleucid era].[57]

The inscription conveys a strong sense of the political confidence and social authority of the land-owning elite of Northern Syria.

THE LITERARY SOURCES

As has been seen, the papyrogical evidence from Egypt paints a picture of a diverse and diversified social landscape in which great landowners typically played an important part, especially in the wealthier, more productive, and more urbanised areas. Even here, however, as has been noted in relation to the Oxyrhynchite, there continued to exist peasant cultivators and freeholders whose lives and properties were not entirely subsumed by the world of the great estate. They were, nevertheless, influenced and affected by it. A very similar picture emerges from the literary evidence relating to other parts of the empire. In the fourth century, for example, for the region around Antioch, Libanius famously described large *komai* 'belonging to many owners', alongside agricultural settlements that belonged to a single master.[58] Whether tightly expressed in terms of direct ownership, or more loosely expressed through ties of patronage, however, dependency would appear to have been the norm. Thus, in his speech *Against Mixidemus*, Libanius refers to the patron's practice of buying one measure of land in a village and subsequently threatening the other inhabitants of that community into submission.[59] In the fifth century Theodoret described how

[56] Trombley 1997: 154–209. He dates it to 578/9 or 593/4.

[57] Ibid. 190 and *IGLS* 281.

[58] Libanius, *Oratio* 47.4 and 11.

[59] Libanius, *Oratio* 39.11. I am grateful to Mr Philip Booth of Trinity Hall for bringing this reference to my attention.

the inhabitants of an autonomous village on the slopes of Mount Lebanon (again, a highland zone) begged a figure by the name of Abraham to become their patron.[60] As two recent commentators have remarked of this episode: 'Theodoret was surprised that the people . . . had no masters: he represents it as a disadvantage.'[61] In a world in which returns from agriculture were uncertain, and thus famine and ruin always loomed, dependence on the wealthy was not necessarily an entirely unattractive option. Such ties of vertical dependence were a natural by-product of Mediterranean agriculture in pre-modern conditions.[62]

Indeed, great landowners were not above attempting to use hunger as a weapon of social and economic advantage, even if their efforts sometimes backfired. In 354, for example, the Caesar Gallus sought to impose price controls in Antioch so as to ease the lot of the city's poor at a time of food shortage. This measure was bitterly opposed by the city's senate, provoking an uprising on the part of the mob that culminated in the death of the governor of Syria and destruction of many elite residences.[63] In 362–3 members of the Antiochene senate were further accused by the Emperor Julian of inducing famine by deliberately hoarding the grain produced on their estates so as to maximise profit.[64] Further profiteering in food supplies on the part of Antiochene landowners is recorded for the year 384–5.[65] Exactly the same phenomenon is recorded in relation to fourth-century Cyprus in the Greek *Life of St Spyridion*, as well as that of Epiphanius of Salamis.[66] An imperial constitution of 535 records that landowners in Thrace had recently taken advantage of a period of wheat shortage and hunger to expand their estates, lending grain to members of the local peasantry in return for their plots of land.[67]

Highly suggestive literary evidence concerning the character of elite landownership in the sixth century also emerges from the testimony of the historian Procopius, who, as has been seen, demonstrates a particular concern for the interests of the imperial elite. Accordingly, whilst it may have been relatively rare for a single great landowner to come to own an entire *kome*, it was clearly very far from unknown: in his *Secret History*, Procopius records

[60] Theodoret, *Historia Religiosa* 17.2–3. [61] Horden and Purcell 2000: 275.
[62] Ibid. 274–5. See also Stathakopoulos 2004.
[63] See Stathakopoulos 2004: 187–8 for source references and discussion.
[64] Ibid. 193–7. [65] Ibid. 209–10.
[66] Ibid. 178 and 198–9. The *Life of St Spyridion* is a late (seventh-century) source, whilst that of Epiphanius is often rejected as a forgery. Both nevertheless presumably reflect a recognisable social reality. See Stathakopoulos 2004: 60.
[67] Stathakopoulos 2004: 264. See *J.Nov*. 32.

how a *rhetor* from the city of Caesarea bought a coastal *kome* for the princely sum of 21,600 *solidi*.[68] For the most part, however, great landowners would seem to have been characterised by their ownership of *epoikia* or *choria*. Indeed, Procopius refers to them as the 'lords of the *choria*'.[69] From the late sixth century onwards, it is possible to identify some degree of semantic blurring between the words *chorion* and *kome*, a development that is far from surprising given the expansion of aristocratic land-ownership into the world of the latter (for which see chapter ten). Nevertheless, Procopius appears to be very careful in his usage of these terms.[70] He specifically associates membership of the elite with ownership and control of a particular type of agricultural property – the *chorion* – a type of property that emerges from the papyri as the labour settlement of the bipartite estate.

THE LEGAL EVIDENCE

Procopius' specificity of language is revealing, and may partly be explained in terms of his legal background and training.[71] For exactly the same association between great landowners and *choria* is attested in the imperial legislation on agricultural labourers. To both Justinian and Justin II, for example, the landowners were, quite straightforwardly, the 'masters of the *choria*'.[72] The most natural reading of this legislation would also suggest that, as in the papyri, the estates on which these *choria* were situated were typically bipartite in character.

As we have already seen, most of the agricultural workers employed on the estates of the Apion family bore the legal designation of *coloni adscripticii* or *enapographoi georgoi*. By the sixth century, as will be seen in chapters eight and nine, the 'adscripticiate', as historians know it, was a social and legal institution across the Eastern Empire as a whole, designating agricultural workers who were registered on the tax-roster of their land-owning employer and were bound to his estate.[73] Only very rarely does the imperial legislation on *coloni* cast light on the economic character of the adscripticiate: the state's main concern was its fiscal aspect. However, such light as the constitutions do cast reveals much. In a law

68 Procopius, *Anecdota* 30.18–19. 69 *Anec.* 22.40.

70 For blurring of *chorion* and *kome* see Dagron 1979: 30. This blurring became much more pronounced from the seventh century onwards. For the most part, in the sixth century, *chorion* was used specifically of estate properties: see Khazdan 1994: 66–88.

71 Greatrex 2001: 148–61.

72 *J.Nov.* 157 and 163. The same phrase reappears in a novel of Justin II: *J.Nov* 164 (from 575) 1.8–9: τῶν χωρίων κυρίοις and 2.21: τῶν χωρίων δεσπότες.

73 See Sirks 1993: 330–69.

of the Emperor Anastasius (r. 491–518), for example, *coloni adscripticii* are described as 'wage labourers' or 'hirelings' (*misthotoi*) who are obliged to 'work the land and pay their tax'.[74] That is to say, they are primarily characterised as paid labourers rather than tenant farmers. Indeed, in a law dating from 440, *coloni* are explicitly contrasted with tenants.[75] In 539, the Emperor Justinian defined *coloni adscripticii* as 'inhabitants of the *choria* . . . and workers of the fields . . . for this surely is what the designation of *colonus* means'.[76] To Justinian, the *colonus adscripticius* of the great estate was thus defined by two features: his residence on the estate settlement, and his readiness to provide labour services. The imperial legislation, with its emphasis on paid labour and labour services, maps clearly and intelligibly onto the testimony of the documentary papyri: it would appear to record the widespread existence, throughout the empire, of bipartite estates owned by members of the imperial aristocracy.

CONCLUSION: A COMPARATIVE PERSPECTIVE

It is true that it is only with respect to Egypt that we can achieve this mapping of the legal sources onto the documentary ones so as to reconstruct a coherent picture of agrarian relations of production. But the match between the two different types of evidence is so close that we must assume it to be representative of a much more widespread social reality. This conclusion also makes sense from a comparative historical perspective: be it in relation to Carolingian Francia, late Anglo-Saxon or Anglo-Norman England, early Modern Poland, Spanish America, or colonial East Africa, strong landowners can be seen to have imposed a bipartite structuring of estates as and when practicable.[77] In pre-industrial conditions, bipartite estates were frequently the economic corollary to strong lordships.[78] 'Bipartitism' offered landowners two great advantages: it maximised both the labour at their disposal and the dependence of the estate's labourers on the estate itself. It thus minimised opportunities for peasant autonomy whilst curtailing incentives to peasant resistance. It was supremely rational.

Although the evidence is necessarily limited, taken together, the papyrological sources from Egypt, the epigraphic and archaeological data from

74 *Codex Iustinianus* 11.48.19: καὶ τὴν γῆν γεωργεῖν καὶ τὸ τέλος παρέχειν.
75 *Nov. Val.* 6.1. See Sirks 1993: 334–5.
76 *J.Nov.* 162: οἰκήτορας τῶν χωρίων . . . καὶ τῶν ἀγρῶν ἐργάτας . . . τοῦτο γὰρ δὴ τὸ τοῦ κολωνοῦ βούλεται πρόσρημα.
77 See Verhulst 1995: 481–509; Faith 1997; Postan 1972; Kula 1976; Banaji 1997: 88–102.
78 I owe this suggestion to Professor C. Wickham.

Syria and Palestine, and the literary and legal texts for the empire at large would suggest that, by the sixth century, great estates – many of them bipartite on the model of those of the Apion family – were to be found throughout the Eastern Empire, especially on the most productive and fertile of land. In Asia Minor, many of these bipartite estates were to survive well into the Byzantine Middle Ages. The *autourgiai* of ecclesiastical estates, for example, are mentioned in the decrees of the Second Council of Nicaea in 787, whilst, in the eleventh century the Byzantine aristocrat John Cecaumenos was still advising landowners to 'make for yourselves *autourgiai* . . . mills, workshops, gardens . . . And so you will rejoice in all things; in the abundance of wheat, wine, and everything else.'[79] In marginal areas and highland zones, and those rendered the most insecure by warfare, by contrast, peasant autonomy is likely to have been rather more pronounced. But then, as Theodoret's account reminds us, that fact probably owed as much to a relative lack of interest in such areas on the part of the powerful, as it did to the prosperity and resilience of an independent peasantry.

[79] *Concilium Nicaenum* 2.12: εἴ τις ἐπίσκοπος εὑρεθείη ἢ ἡγούμενος ἐκ τῶν αὐτουργιῶν ἐπισκοπεῖου ἢ τοῦ μοναστηρίου ἐκποιούμενος εἰς ἀρχοντικὴν χεῖρα. Cecaumenus, *Strategica* 3.35: ποίησον σεαυτῷ αὐτουργίας, οἷον μυλῶνας καὶ ἐργαστήρια, κήπους . . . καὶ εὐφρανθήσῃ ἐν πᾶσι, ἔν τε περισσείᾳ σίτου, οἴνου καὶ λοιπῶν ἁπάντων.

CHAPTER 8

The historiography of the great estate

INTRODUCTION

As seen in the previous chapter, the laws concerning *coloni adscripticii* record the widespread existence by the early sixth century of great estates throughout the Eastern Empire, many of which were apparently bipartite in character. But the law-codes reveal more than the mere existence of these estates. Rather, the legal sources, especially the constitutions contained in the *Codex Theodosianus* and the *Codex Iustinianus*, attest a process of estate emergence and expansion over the course of the fourth, fifth, and sixth centuries. This phenomenon is at its most evident in those constitutions which detail the illicit patronage or *patrocinium* engaged in by landowners and their managers. Much of this legislation is primarily concerned with tax evasion, and the related issue of estate *autopragia* or 'self-collection' of taxes, but amongst the other issues touched upon are the maintenance of private estate prisons, and the illegal deployment of private armed retainers or *buccellarii*.

This legislation, and what it tells us of early Byzantine social conditions, will be the main focus of the two chapters that follow. But it is worth pausing at this point to consider how this legislation has been interpreted, and how the great estates have come to be understood, by recent generations of historians. For the question of how we situate the great estates socially and juridically has been hotly, at times fiercely, contested since the 1940s, and any clarification of the issues concerned necessarily requires something by way of historiographical analysis.

THE EARLY TWENTIETH CENTURY: 'FEUDALISING' NARRATIVES

For many scholars writing in the early decades of the twentieth century – essentially up to the Second World War – it was taken as axiomatic that the imperial law-codes, read in conjunction with the papyri, recorded the

emergence of what were essentially proto-feudal large estates, the expansion of which did much to undermine both the cohesion of the Roman state and its economic well-being.[1] The phenomena of private estate prisons and private armed retainers were understood to signal the ascendancy of the private authority of the landowner over the public authority of the state.[2] The emergent practice of estate *autopragia*, whereby the landowner and his representatives collected the taxes owed by their employees in place of local municipal officers, was deemed to herald the final disintegration of the civic governmental structures that had characterised Graeco-Roman civilisation. Both illicit *patrocinia* and estate *autopragia* were thus at the forefront of one of the first comprehensive studies that sought to tie together the testimony of the Apion archive with the evidence of the imperial legislation: E. R. Hardy's classic monograph *The Large Estates of Byzantine Egypt*.[3] As Banaji has put it, for Hardy

> the rise of the new landed elite involved both their 'assumption or usurpation, of government functions' and what he called 'the system of serfdom'. The municipal aristocracy declined in importance . . . and the new landed elite established wide-ranging fiscal autonomy through the autopract exemption of their own estates and pagarchic control over the taxation of the residual rural territories . . . For Hardy *autopragia* is the crux of Byzantine provincial feudalism.[4]

The emergence to the fore of social relations of the private authority of the landowner, combined with the tying of the agricultural workforce to his estate, was also believed to have had a major, negative, impact on the lives of the peasantry. Thus, to another early commentator on late Roman Egypt, Harold Idris Bell, the period had witnessed the evolution of 'the Byzantine servile state' in which 'The great mass of the proletariat, rural and urban, [lived] hopelessly poor, burdened with taxes and liturgies, fleeced by corrupt officials, continually toiling with no hope of bettering their condition, and in constant fear of finding their way into prison, whether it were the state prison or the private prison of some great landowner.'[5]

To Bell the subsequent, entirely understandable, failure of the Egyptian populace to resist the forces first of the Persians, and then of Islam, in the early seventh century, marked the end not only of Roman political power in the east, but also of the civilising influence of Hellenism, Egypt once more becoming 'a part of the Oriental world from which the fiery genius of Alexander had separated her for a thousand years'.[6]

[1] See Sarris 2004b: 55–71.
[2] Note, for example, the first integrated study of Byzantine Egypt – Gelzer 1909.
[3] Hardy 1931. [4] Banaji 2001: 89–90. [5] Bell 1917: 103. [6] Ibid. 105.

So much, then, for political and cultural cohesion. But what of the association between the rise of the great estate and economic decline? This was an association that came naturally to many of those raised upon the rigid certainties of Anglo-Saxon liberal economics. For the concept that the growth of great estates necessarily occasioned economic dislocation was largely a result of applying to the late Roman world classical liberal economic doctrine concerning the supposed relationship between the development of capitalism within England, and the decline of the late-medieval manorial economy. The manorial economy of medieval England was commonly supposed by Adam Smith and his followers to have been inherently autarkic in character, detached from both urban markets and the monetary economy. This separation, it was believed, had been undermined by the rise of towns, the greater integration of urban and rural markets, and the consequent intrusion into manorialism of both the monetary economy and commodified production.[7] By virtue of the common characterisation of the late Roman great estates as proto-feudal harbingers of a medieval social order to come, it was assumed that they too had been essentially autarkic institutions.[8] The emergence of such estates, it was believed, must by analogy, have been injurious to the effective division of labour between urban and rural communities, divorcing the countryside from both urban centres and the monetary economy.

THE WORLD BEYOND THE ESTATE: ROUILLARD AND JOHNSON AND WEST

The traditionalist approach to late Roman social conditions was to receive its first major challenge in the 1940s – a challenge couched primarily in terms of the agrarian economy of early Byzantine Egypt. In 1944 Germaine Rouillard delivered a series of lectures to the Collège de France which were subsequently and posthumously published in 1953 as *La vie rurale dans l'empire byzantin*. Rouillard had previously published, in 1928, an incisive and detailed account based upon her doctoral dissertation – *L'administration civile de l'Egypte byzantine* – a work which, though composed in elegant prose and ornamented with exquisite examples of Coptic textiles, art, and architecture, had toed an essentially conservative line with respect to the social history of Roman Egypt. By 1944, however, her views had developed somewhat. Rouillard did not deny the significance of the

[7] For an excellent introduction to the historiography of this issue, see Rigby 1995.
[8] For this view as expressed by Max Weber, for example, see Banaji 2001: 29–30. See also Rostovtsev 1957.

emergence of great estates in late Roman Egypt; she did not challenge the traditional chronology ascribed to this process; nor did she contest the significance of the magnate acquisition of autopract status. Rather, Rouillard's great contribution was to note the survival within sixth-century Egypt of a stable and prosperous middle class actively involved in agriculture as both lessors and lessees – what she described as a 'bourgeoisie rurale'.[9] As a recent commentator has remarked of her analysis – 'whatever their impact on the former peasantry, the growth of the large estates did not lead to any obvious "polarisation" with the crushing of the intermediate strata by some emerging wave of large-scale enterprise'.[10]

Rouillard thus identified a disparity between the supposed misery and pauperisation hitherto associated with the late imperial 'servile state' and the actual papyrological testimony to non-magnate agrarian prosperity and, indeed, economic expansion in sixth-century Egypt. The same insight was also to be the starting point for Johnson and West's groundbreaking study of 1949 – *Byzantine Egypt: Economic Studies*.

The main significance of this work was threefold. First, Johnson and West followed Rouillard (whilst not necessarily being aware of her Parisian lectures) in dismissing the widely held assumption that the sixth and seventh centuries in Egypt were characterised by economic decline. On the contrary, as they noted, the more widespread use in this period of water-lifting devices for irrigational purposes, and the consequent expansion of perennial irrigation, almost certainly meant that more land was being exploited with greater productive intensity in the sixth century than at any previous point in Egyptian history.[11]

Second, if the late Roman period was one of considerable agrarian expansion, so too did it appear to Johnson and West to have represented something of a golden age for the Egyptian peasantry both economically and culturally. This they associated with the process whereby, from the fourth century, the traditional Ptolemaic land categories had been abolished and the Egyptian peasantry had acquired the legal ownership of the land it worked: 'the abolition of the crown land in the early fourth century seems

[9] Rouillard 1953: 49–50. [10] Banaji 2001: 93.

[11] Johnson and West 1949: 11: 'In the sixth century the name applied to farms is frequently μηχαναί. The term probably implies that the property was equipped with a sakiyeh and did not depend for irrigation on the flood . . . the increasing use of μηχαναί may indicate that the flood system was being displaced by perennial irrigation'; and 240: 'In Edict XIII Justinian expected to collect 8 million artabae annually from all Egypt . . . This compares favourably with the six million artabae levied by Augustus. Since the evidence of the Antaeopolis register indicates an average rate seemingly lower than that of Roman times, we must conclude that the area of arable land had increased in the interval.'

to have resulted in the emancipation of the serf and the renascence of the native Egyptian language, art and culture is one of the characteristics of the Byzantine age'.[12] The emergent autonomous village communities came to serve as 'the backbone of the Egyptian agricultural economy'.[13] That agricultural economy itself, Johnson and West noted, appeared, on the basis of the papyrological record, to have been highly diversified, monetised, and innovatory, the period even witnessing the first evidence for the commercialised production of cotton.[14]

Third, the evidence for economic expansion and agrarian prosperity obliged Johnson and West to reconsider the question of the role of the great estate. That estates such as that belonging to the Apiones existed, and existed as private economic concerns, could not, they felt, be denied. Johnson and West regarded these estates as products of the same fourth-century land reforms as had occasioned the emergence of the free peasant communities. Moreover, Johnson and West acknowledged that the growth of magnate estates represented a genuine threat to the autonomy of the peasantry such as necessitated the *patrocinium* legislation of the fourth and fifth centuries. But rather than seeing these imperial enactments against patronage as a failure, the authors suggested that the evidence for peasant prosperity in the sixth century provided clear testimony as to the effectiveness of these measures.[15] Although large estates existed in the sixth century, Johnson and West suggested that both their geographical extent and their consequent social and economic importance had been greatly exaggerated as a result of excessive concentration upon the evidence of the Apion archive, and the failure to submit evidence for great estates to quantitative analysis.[16] This misdirection of focus had distracted scholars from proper consideration of the cultural and economic vigour of the 'Coptic' peasantry.

Johnson and West were also inclined to take a far less gloomy stance than Bell, for example, with respect to estate *autopragia* and the adscription of the estate workforce. Thus they commented of the *enapographos georgos* of the Apion estates:

[12] Ibid. 6. [13] Ibid. 99. [14] Ibid. 122.

[15] Ibid. 22: 'The retention of the great bulk of arable land as the property of the crown had prevented the growth of the great estate in Egypt. When the crown released its control of this area the way was open for private capital to invest in Egyptian land and to build up the latifundia. This development seems to have been fought by the imperial government with some success . . . these laws were not repeated by Justinian and we may infer that the evil was ended.'

[16] See ibid. 50–65 for the size of the Apion estates. Of estates in general they note (65): 'the size of none of the estates can be determined, but it is probable that the Eastern Empire and Egypt in particular never developed the great baronial estates to the same degree as the West'.

there is no evidence that he was a serf. We suggest that the *enapographoi georgoi* were free tenants. Since Apion enjoyed the right of *autopragia*, he accepted responsibility for the taxes on his property. If a tenant took a lease from Apion, the fact must be registered in the tax district where the estate lay so that the tenant would not be liable for the taxes of his native village.[17]

Both estate *autopragia* and the tied colonate as recorded in the Egyptian papyri were purely fiscal arrangements devoid of any wider social significance.

THE WORLD OF LATE ANTIQUITY

The positions adopted by Rouillard and Johnson and West in the 1940s have influenced much subsequent scholarship on Egypt, especially in terms of the emphasis these authors placed on non-magnate agrarian prosperity. So, for example, in Aphrodito, MacCoull has identified a class of 'Coptic *dynatoi*' – a professionalised gentry whose members nevertheless maintained an active interest in agriculture.[18] Likewise, in his work on the Aphrodito papyri published in the *P. Michaelides* series, Keenan has stressed the existence in late Roman Egypt of entrepreneurial agricultural middlemen who leased and ultimately acquired land from their notional social superiors: absentee landlords engaged in imperial service.[19] As Keenan declared in 1993:

> For the past fifteen years there has been a turning toward the evidence of Aphrodito, giving it equal time with that of Oxyrhynchus. Much there runs counter to the Oxyrhynchus [i.e. Apion] model. In its place, or better, side-by-side with it, the Aphrodito papyri present a picture of a vibrant agricultural community of small landowners, farmers, craftsmen, priests, monks and shepherds, a town where rural entrepreneurs are busily at work, where big landowners may be present but do not rule.[20]

At the same time, over the past forty years, historians have come to adopt a far more positive tone with respect to conditions within the late Roman world in general. In Anglophone scholarship, this reassessment was fuelled in particular by two important developments. First, the publication in 1964 of A. H. M. Jones' *The Later Roman Empire*. This work substantially opened up the field of late Roman studies to an English-speaking readership, both through its monumental erudition, and the novel emphasis that

[17] Ibid. 51.
[18] MacCoull 1988. See page 8 for the phrase 'Coptic *dynatos*'. See also MacCoull 1984: 65–77, 1989: 497–502. Both are reprinted in MacCoull 1993.
[19] See Keenan 1975: 237–50, 1980: 145–54, 1984a: 51–63, 1984b: 957–63, and 1985b: 245–59.
[20] Keenan 1993: 120.

Jones placed on the success with which the Roman state had weathered the crisis of the third century. Indeed, of such impact was Jones' work that Peter Brown at the time likened its publication to 'the arrival of a steel plant in a region that has . . . been given over to light industries'.[21] Second, the publication in 1971 of Peter Brown's own *The World of Late Antiquity* provided a breathtakingly positive account of the cultural achievement of the late Roman era as a whole, one which was to set its *imprimatur* on an entire generation of young scholars. Simultaneously, Brown's work on the rise of the 'Syrian Holy Man', which he associated with a fifth-century withdrawal from agrarian relations of the traditional patronage of the established civic elites, and the emergence of a prosperous and independent Syrian peasantry ran with the grain of emergent post-war thinking on Egypt, with its demotion of the 'great estate' as the key defining characteristic of the age.[22]

CARRIE AND THE COLONATE

Indeed, we should note that Johnson and West's scepticism as to the overall economic significance of the great estate within Egypt and their doubts as to the impact of adscription on the day-to-day lives of the estate workforce have been extended to the empire as a whole by the subtle and thought-provoking work of J.-M. Carrié. As Carrié has argued, 'the importance of the great estate in the agrarian structure of the late empire needs to be relativised. It is important to re-establish the diversity of structures of ownership and exploitation.'[23]

In relation to the adscript colonate, Carrié's core contention is that, contrary to traditional readings of the legal evidence, the legal sources provide no basis on which to claim that the adscription of the estate workforce led to a deterioration in the personal status and legal standing of the *adscripticii* whereby formerly free peasant producers were reduced to a semi-servile condition.[24] Landowners may have sought to take advantage of adscription for

[21] See Brown 1967: 327–43.

[22] Brown 1971b: 80–101. It should be noted that Brown distinguished between the social context in which the 'Syrian' holy man arose, and that in which Egyptian monasticism developed. For *The World of Late Antiquity* (Brown 1971a) and its impact on scholarship, see Brown 1997: 5–90 – Brown provides an account of the composition of the work and a number of other scholars then express the debts they owe to it.

[23] Carrié 1983: 229: 'tout d'abord, l'importance du grand domaine dans la structure agraire tardive demande à être relativisée. Il importe de rétablir la diversité des structures de propriété et d'exploitation.'

[24] Carrié 1982: 351–70, and 1983: 205. Carrié has recently restated his argument in Carrié 1997: 75–150. There (85) he speaks of 'la mia prima proposizione: contro una lettura del colonato in termini di quasi asservimento'.

their own purposes, but landowners' interests were not themselves the key to adscription. Rather, adscription developed out of the fiscal requirements of the late Roman state.[25]

Carrié notes that whilst there existed various earlier Roman precedents for the tied colonate, the first appearances in the legal sources of what seem to be *coloni adscripticii* date from the late third and early fourth centuries. That is to say, the legal institution emerged from the fiscal reforms associated with the reign of the emperor Diocletian (r. 284–305).[26] He argues that Diocletian's reforms were primarily concerned with limiting migrationary pressure within the empire, ensuring the regularity and predictability of tax payments, and maximising land productivity through introducing an element of permanence and stability to the labour force that worked it.[27] As a result, as Carrié notes, we see attempts made to bind tax-payers to the fiscal community and location – the *origo* – at which they were registered:

> The poll tax (*capitatio*), for so long a personal tax, and which formerly taxed individuals at a fixed unitary rate according to the category to which they belonged, became from the time of Diocletian a personal tax share of a total contributory sum . . . every individual subject to 'capitation' was 'registered' on the personal tax register of the administrative unit to which his *origo* linked him.[28]

The binding of tax-payer to *origo* was, Carrié has argued, socially uniform: it applied to all levels of society. There thus exists no good historiographical or analytical reason to emphasise the binding of estate employees to the estate over the binding of 'free' peasants to their villages or *curiales* to their cities: 'the fact of the *adscriptio census* of *coloni* in no way distinguishes their fate from that of other social groups (such as) small registered landowners, for example'.[29]

[25] Carrié 1997: 96: 'la mia seconda proposta – per una lettura del ius colonatus in termini di fiscalità'. Note also Carrié's statement: 'Nel sostenere che il ius colonatus era una costatazione normativa nata da una problematica fiscale, non ho affatto negato che esso abbia avuta degli affetti sui rapporti reali di dipedenza . . . I richiami ed i chiarimenti ripetuti contro gli abusi dell' interpretazione del ius colonatus commessi dai domini costituiscono una confirma dell' esistenza di tali abusi' (79).

[26] Ibid. 93: 'la legislazione relativa al colonato ascritto sia nata da problemi fiscali derivanti, a loro volta, dalla riforma di Diocleziano . . . una coincidenza cronologica, lessicale, e termatice invita a pensare che questa riforma fiscale costituisca il punto di partenza della produzione giuridica sul colonato ascritto'.

[27] Carrié 1983: 218.

[28] Ibid. 217: 'la *capitatio* depuis toujours impôt personnel, et qui auparavant taxait les individus à un taux fixe, unitaire, selon la catégorie à laquelle ils appartenaient, est devenu à partir de Dioclétien un impôt personnel de répartition, portant sur la capacité contributive personnel de l'unité administrative à laquelle le rattache son *origo*'.

[29] Ibid. 217: 'Le fait de l'*adscripticio census* des coloni ne distingue en rien leur sort de celui des autres groupes sociaux, des petits *possessores* . . . *conscripti* par exemple.'

If the *colonus adscripticius* was registered on the tax roster of his landlord because the state had designated the landlord's household his appropriate *origo*, it follows, according to Carrié, that the nature of the relationship between employer and employee established by adscription was likewise a purely fiscal one: 'On a large estate, the owner was appointed *capitularius*, responsible by virtue of this office for the personal taxes of all those registered under him, of which (from 293) he became the collector.'[30] Indeed, Carrié argues that such arrangements were not necessarily to the landowner's advantage: 'in investing the great landowners with delegated public authority, the state, equally, exposed them to heavy inconvenience'.[31] Accordingly, Carrié suggests that the legal evidence for the development of the adscript colonate tells one little of either the social power of the great landowners or the character and significance of their estates.[32]

REMONDON: THE GREAT ESTATE AND THE STATE

Carrié's model of a late-third- and early-fourth-century delegation of public responsibilities to landowners as part of a broader reconfiguration of the Roman state apparatus is a highly suggestive one which bears comparison with the earlier work of the Parisian scholar of Byzantine Egypt, Roger Rémondon. Essentially Rémondon's work was informed by a deep sense of unease about the conflictual models of relations between great landowners and the imperial authorities encountered in the traditional literature. In his (posthumously published) 1974 article 'Les contradictions de la société égyptienne à l'époque byzantine', Rémondon contrasted and sought to reconcile two distinct views of early Byzantine society: the image of a highly ordered *cosmos* derived from the normative sources, and the disorderly and lawless world apparently recorded in the imperial rescripts and documentary papyri.[33] Rémondon sought to triangulate these positions. As he put it: 'Hierarchy or anarchy? Order or disorder? State authority or the independence of subjects? These contradictory visions that the documents of Byzantine Egypt arouse are perhaps reconcilable once we try to understand

[30] Ibid. 218: 'sur un grand domaine, le propriétaire est d'office institué *capitularius* responsable à ce titre de l'impôt personnel de tous les ascrits de son ressort, dont il devient (dès 293) le percépteur'.

[31] Ibid. 238: 'en investissant les grands propriétaires d'une autorité publique déléguée, l'état les expose également à des lourds inconvénients'.

[32] Carrié 1997: 98: 'I testi legislativi relativi al colonato ascritto siano essenzialmente legati a una casistica fiscale, che li rende impropri come strumenti di descrizione dei rapporti socio-economici operanti nell'economia agraria.'

[33] Rémondon 1974: 18.

how dependence and autonomy can co-exist, and even become harmonised and allied.'[34]

Rémondon attempted this 'harmonisation' first through addressing the question of estate *autopragia*, and second, through examining particular examples of the supposed *patrocinia* of the magnates themselves, such as their maintenance of bands of *buccellarii*. Rémondon regarded *autopragia* as an empire-wide phenomenon first expressly recorded in an imperial constitution dating from the year 409 (*Codex Theodosianus* 11.22.4).[35] In this constitution, Theodosius II complained that a number of landowners had refused to allow imperial tax-collectors onto their estates, but rather had themselves collected the taxes owed by their workers. This was described as a right – a *ius* 'vulgo autopractorium vocatur' – which was obtainable by imperial decree ('auctoritate rescriptionis elicita'). The problem was that the landowners concerned had not officially been granted that right.

Rémondon argued that autopract status was granted with ever greater frequency over the course of the fifth century. In 429, for example, it was extended to the landowners of Africa as a whole.[36] It was, he stated, 'a privilege that (the landowners) had granted themselves . . . and which the emperor at first denounced, then tolerated, and ultimately recognised.'[37] Thereafter, so long as the *possessores* paid their taxes, Rémondon regarded the matter as closed: the private authority of the landlord was in effect harnessed to serve the will of the Emperor.

Rémondon identified a similar reconciliation of interests with respect to what had hitherto been regarded as private bands of 'police' (*riparii*) and armed retainers (*buccellarii*). Although the private character of these retainers was not denied, the imperial authorities, he claimed, sought to use them for its own purposes, thus 'as with *autopragia*, so too with the "private" police . . . the *buccellarius* embodies a reconciliation . . . the *buccellarii* can be defined as private soldiers placed at the disposal of the state'.[38]

Although there are very considerable differences of emphasis between them, the positions adopted by Rémondon and Carrié share a crucial

[34] Ibid. 18: 'Hiérarchie ou anarchie? Ordre ou désordre? Autorité de l'état ou indépendance des sujets? Ces visions contradictoires que suscitent les documents de l'Egypte se concilient peut-être dès lors que l'on essaye de comprendre comment ont pu coexister, et même s'allier et s'harmoniser, la dépendance et les autonomies.'

[35] Ibid. 19. [36] Ibid. 19.

[37] Ibid. 20: 'c'est un privilège que ceux-ci se sont eux-mêmes octroyé . . . et que l'Empereur a d'abord dénoncé, puis toléré, et enfin reconnu'.

[38] Ibid. 27, 29: 'Comme l'autopragie, comme la police "privée" . . . le buccellaire incarne une conciliation . . . les buccellaires peuvent être définis comme des soldats privés, placés à la disposition de l'état.'

feature. Both authors examine the utility of the great landowner to the state, although Carrié attributes to him a far more limited role than does Rémondon within the political economy of the empire as a whole. This approach, of examining how the great estate could serve as a vehicle of imperial government, rather than the active agent of its dissolution, has been advanced still further by a third Francophone author, Jean Gascou.

GASCOU: THE STATE AS GREAT ESTATE

To Gascou, one of the key administrative features of the fifth and sixth centuries was the extent to which fiscal and liturgical responsibilities which hitherto the state had delegated to the civic *curia* of the empire came instead to rest with the great estates of the aristocracy, the Church, and the Crown.[39] Accordingly, whilst in some sense Carrié seeks to minimise the role played by secular landlords in imperial administration, through seeking to contextualise the great estates against a setting of prosperous, autonomous peasant communities after a fashion reminiscent of Johnson and West or Rouillard, central to the Gascou thesis is the belief that the fifth century, at least in Egypt, witnessed a total reorganisation of late Roman administration predicated upon a radical shift of focus away from the city and towards the great estate. In this sense at least, the Gascou thesis is closer in spirit to the work of Hardy than might be supposed.

Where Gascou differs from Hardy, is in his belief that this transformation was a result of an imperial policy to turn the great estates of the empire into 'semi-public' institutions responsible for the collection of taxes both from the estates' own tenants and local society more generally. He argues, as Banaji has put it, for a 'total integration of the *oikoi* (households) into the fiscal system and of the estates as a simple extension of the public sphere'.[40] As Gascou states: 'I believe I can establish that the "private" manorial economy merely represents a particular development of the public economy.'[41] Indeed, Gascou even suggests that the great estates were, to some extent at least as they appear in the papyri, created by the state. The imperial authorities transferred public, imperial, and municipal property to these households along with the responsibility of ensuring that the peasantry worked the land and paid tax in accordance with their traditional liturgical duties.[42]

[39] See Gascou 1985: 1–90. [40] Banaji 2000: 97.

[41] Gascou 1985: 12: 'Je pense pouvoir établir que l'économie domaniale "privée" ne représente qu'un développement particulier de l'économie publique.'

[42] Ibid. 30: 'il est admis, et je crois qu'en effet on peut le prouver, qu'une bonne part de la substance foncière des "maisons", notamment des *oikoi* égyptiens, s'est constituée au détriment de la terre

Public land was transferred to the care of the great landowners under whom the peasants worked it. The land was held on emphyteutic lease, a type of lease characterised by the security of tenure enjoyed by the lessee and the fixed character of the set rent.[43] In Egypt Gascou associates the general set of reforms with the fifth-century introduction of the pagarchy and the process whereby, he argues, great estates were united into collectives of 'contributors' (*syntelestai*), with various delegated responsibilities being divided between magnate households.[44] This is what has come to be known as the 'fiscal participation' model, whereby 'the men and produce contributed by the *patricia* Sophia and the Apiones, with respect to their shares, included not only their own contributions, but also, and necessarily, those of other liable parties, for whom they were, to my mind, held responsible'.[45]

According to Gascou, this delegation of public responsibilities, this effective integration of the estate into the machinery of the imperial government, led to an ever more pronounced introduction and intrusion of official vocabulary into the world of private transactions, and a blurring of the very concept of the estates as private property. Thus, Gascou argues, the distinction between rent and tax disappeared. This was a natural by-product of the fact that, on his model, both rents and taxes were paid over to the same estate/state officials, and that each sum consisted of a fixed amount: the poll-tax or *caput* on the one hand, and, on the other the fixed rent agreed by emphyteutic lease (which, according to Gascou, is how those payments described in the papyri as '*apotakta*' or 'invariable' are to be understood). As Gascou has declared:

> For my part, I think it is now possible to show that the estate *phoros* is at once both a rent and a tax, a 'tax-rent' . . . that the rent-collector can not be distinguished from the tax-collector, that the *apaitesimon* on which the accountancy of the estates was based . . . bears the same name as the tax-register, and, in all likelihood, kept the same function . . . (and that) . . . the Egyptian *coloni* saw in the *geouchos* a tax-collector and administrator rather than an owner . . . (and that) institutions maintained by a 'tax-rent' derived from a liturgical workforce can not really be regarded as 'private estates'.[46]

publique, impériale et municipale. On pressent et quelquefois on perçoit directement, comme en Egypte, au cours du IVe et au début du Ve siècle, un mouvement de concentration foncière allant dans ce sens, selon diverses formules juridiques, depuis la donation consentie par l'autorité publique, jusqu'à l'usurpation ratifiée au bénéfice de la *praescriptio temporis*.'

[43] Ibid. 8–9. [44] Ibid. 44–52 and 60.

[45] Ibid. 60: 'Ainsi les hommes et produits versés par la patrice Sophie et les Apions, au titre de leurs parts, comprenaient non seulement leurs contributions propres, mais aussi, et nécessairement, celles d'autres redevables dont ils étaient, à mon avis, tenus pour responsables.'

[46] Ibid. 13, 19, 23, 27: 'Je pense, pour ma part, qu'il est actuellement possible de montrer que le *phoros* domanial est à la fois une rente et un impôt, une "rente-impôt" . . . que l'agent de collecte ne se

Amongst the responsibilities that Gascou claims were delegated to the magnate households was the maintenance of the troops and police whom Hardy and Rémondon had identified as retainers of a private character, albeit, according to the latter, placed at the disposal of the state.[47] As Gascou concludes:

> When placed in the particular context of Egypto-Byzantine society, or indeed early Byzantine society in general, the traditionally established opposition between the private great estate on the one hand, and the city and the state on the other, strikes me as carrying little or no significance. In the lay and church estates I see, in effect, public law institutions, based economically on the collection and reckoning of a tax-rent identical to the *vectigalia* raised on state-owned lands . . . (the estates) . . . shared amongst themselves through specialist *collegia* such as that of the *syntelestai* a part of the responsibilities formerly devolved to the *curia*, *curiales*, and magistrates.[48]

Gascou's essential claim that the great estates, by virtue of imperial policy, came to develop into 'semi-public' institutions, has received wide acceptance.[49] Even Banaji, whose critique has been the most forthright, acknowledges that 'in the general area of Byzantine papyrology, Gascou's "Les grands domaines" is certainly the most important contribution to have appeared since *Byzantine Egypt Economic Studies*' and has commented further that 'Gascou's work, fundamental on this issue, has profoundly undermined the traditional conception of an aristocracy installing its own control systems in the wake of declining central authority.'[50]

CONTINUITY AND SOPHISTICATION

The role of the great estate in late antiquity has been further qualified by those who claim to find little or no Egyptian evidence for estate

distingue pas du percepteur public, que l'*apaitesimon* sur lequel s'édifie la comptabilité des *oikoi* . . . porte le nom du rôle des impôts et, selon toute probabilité, en retient la fonction . . . [que] . . . les colons égyptiens voyaient dans le *geouchos* plutôt le percepteur et l'administrateur que le propriétaire . . . [et que] des institutions alimentées par une 'rente-impôt' procurée par une main d'œuvre liturgique ne peuvent pas être véritablement tenues pour des "domaines privés".'

[47] Ibid. 53–9.

[48] Ibid. 60: 'Rapportée au contexte particulier de la société égypto-byzantine, voire protobyzantine en général, l'opposition traditionnellement instituée entre la grande-propriété privée d'une part, la cité et l'état de l'autre me paraît revêtir peu ou pas de portée. Je vois en effet, dans les *oikoi* laics ou ecclésiastiques des institutions de droit public économiquement fondées sur la perception et la prise en compte d'une rente-impôt identique au vectigal levé sur les domaines de l'état . . . Les . . . maisons se partagent au sein de collèges specialisés comme celui des *syntelestai*, une part des responsabilités dévoluées en d'autres temps aux curies, curiales et magistrats.'

[49] Thus this core position, the 'fiscal participation' model is accepted by both Hickey 2001: 42 and Mazza 2001: 105. It has also received general acceptance by Durliat 1990b, Kaplan 1992 and Palme 1989.

[50] Banaji 2001: 93.

expansion. Thus a number of scholars, such as Bowman and Rowlandson, have placed much emphasis on the fact that significant but economically non-predominant large estates would appear to have been a long-standing feature of life in Roman Egypt, and go on to claim that there is no reason to postulate any particular additional concentration of ownership in the fifth and sixth centuries.[51] Rowlandson, for example, has written of how

> throughout the Roman period, there were some 'large estates', that is properties which seem to have had a central management, rather than being an agglomeration of discrete parcels; although even these estates normally comprised several physically separate units. The evidence distinctly associated with these estates, agricultural accounts and letters of instruction, becomes more common in the course of the Roman period, but naturally this does not necessarily mean that the estates themselves became either more common or larger. Although a progressive concentration of landed wealth over the period is normally assumed to have occurred, there is in fact no evidence from Oxyrhynchus, or indeed from anywhere else in Egypt, that can [be] used to demonstrate it.[52]

Where historical understanding has perhaps advanced most rapidly in recent years is in terms of how such 'large estates . . . [with] . . . central management' operated. As we have seen, to commentators writing in the early part of the twentieth century, it was taken as axiomatic that large estates were economically regressive and autarkic entities that contributed to the more general economic decline of the late Roman period. This essentially pessimistic reading of the evidence for large estates was in turn buttressed by 'primitivist' or 'minimalist' interpretations of the ancient economy in general, which questioned in particular the ability of farmers, estate managers, and landowners to act after an economically 'rational' profit-maximising manner.[53] As Moses Finley declared, for example, 'Graeco-Roman bookkeeping was exceedingly rudimentary, essentially restricted to a listing of receipts and expenditures, from which it was impossible to determine the profitability or otherwise of any single activity in a polyculture.'[54]

This approach has had a long after-life, and continues to influence much contemporary scholarship.[55] Nevertheless, in recent years historians have become much more alert to the potentialities and 'rationality' of ancient agriculture. The 'milestone' here was arguably the publication of Dominic Rathbone's *Economic Rationalism and Rural Society in Third-Century*

[51] See Bowman 1985: 137–63 and Rowlandson 1996.
[52] Rowlandson 1996: 281.
[53] See the excellent discussion in Banaji 2001: vii and 1.
[54] Finley 1985: 181.
[55] In relation to late antique estates, see, for example, Hickey 2001, Kehoe 2003: 711–21, and Durliat 1998: 109.

AD Egypt.[56] Rathbone's account was rooted in study of the so-called 'Heroninos archive', a group of over one thousand mid-third-century documents from the Egyptian village of Theadelphia in the Fayyum. Like the Apion archive, the Heroninos archive includes letters, accounts, and receipts, and concerns the administration of a large private estate which, until his death in AD 258/9, was owned by a city councillor of Alexandria by the name of Aurelius Appianus. Unlike the more fragmentary collections on which earlier commentators had based their understanding of the economy of Roman Egypt, the 'Heroninos archive' (named after the Heroninos who, for nineteen years served as the manager of that portion of Appianus' estate centred on the village of Theadelphia) permitted a detailed, integrated analysis of the operation of a single estate over a substantial period of time.

What emerges from Rathbone's study is a centrally administered estate, worked at least in part by labourers resident in estate-owned settlements (as in later centuries, styled *epoikia*), on which:

> the primary aim was not self-sufficiency – for example, the estate never produced enough hay for its needs – but the production of marketable surpluses, mainly of olives (for oil) and wine. Different *phrontides* (holdings) specialized in different crops. Theadelphia, for example, was primarily a wine-producing unit, Euhemeria an olive-producing unit. The estate had a centrally directed transport system – using asses, oxen, and camels – for farmwork (ploughing and cartage) on the units and for moving crops from one unit to another or to Arsinoe, whether for internal consumption or external sale. This transport network . . . was in itself the prime economy of scale achieved by the central administration. It made it possible for the marketing of all produce to be controlled by the central administration . . . The *phrontistai* (overseers) were thus essentially the local 'production managers' of a structurally unified and centrally directed economic enterprise.[57]

On the basis of the estate accounts examined by Rathbone, the internal economy of the Appianus estate (as also of other contemporaneous estates in the same region 'some of which had links with the Appianus estate')[58] emerged as highly monetised, whilst the accounting technique deployed evinced 'strong hints that the format of the monthly accounts had been deliberately designed to facilitate investigation of the financial efficiency with which each *phrontistes* was running his *phrontis*'.[59] As Rathbone has declared: 'To my mind the interest of the Appianus estate in rigorous control of its costs of production, as attested in the extant monthly accounts of the *phrontistai*, in itself indicates a high level of economic rationality in its management.'[60]

[56] Rathbone 1991. [57] Rathbone 1994: 15. [58] Ibid. 15. [59] Ibid. 52. [60] Ibid. 54.

Rathbone has questioned the extent to which the degree of economic sophistication and 'rationality' of accounting technique identified by him in Roman Egypt survived the 'crisis of the third century' into the Byzantine period. As he has concluded:

> It is possible, though not beyond doubt, that a 'decline' in the sophistication of estate accounts took place from the fourth century AD onwards, perhaps partly, to begin with, as a result of the constant serious depreciation of the currency which will have made monetized accounts more difficult to keep and to use afterwards. The evidence of fourth-century accounts is arguably equivocal, but the accounts of large estates in Byzantine Egypt, notably those of the Flavii Apiones, were apparently no more than unintegrated records of rents or taxes received or due and of expenditure made.[61]

This conclusion has been cast into doubt, however, by the recent work of Jairus Banaji, as also of Roberta Mazza, both of whom have emphasised the conceptually and practically highly monetised nature of early Byzantine great estates as revealed by the documentary papyri, and, by implication, the commodification of production upon them.[62] Banaji, in particular, has located these early Byzantine great estates in the broader context of an agrarian economy in which there existed a lively market for both land and labour – thus the emphasis that he places on the role of 'free' wage-labour in the cultivation of these estates.[63] The writings of both Banaji and Mazza would suggest the survival (or revival) of earlier levels of economic sophistication on great estates in the post-Diocletianic period. We have seen their conclusions confirmed in chapters two to four.

Nor is there any reason to accept the notion of a decline in the 'rationality' of accounting technique between the third century and the sixth posited by Rathbone. As we have seen in chapter two, the estate accounts of the Apion *pronoetai*, as well as bearing testimony to the high level of monetisation on the estates, provide evidence for a carefully structured accounting framework that sought to achieve the same outcome as those preserved from the Heroninos archive. Their primary aim was to ensure that levels of income were being maintained and costs of production were being kept down. As noted in chapter two, the estate accounts identify the honesty and reliability of the estate overseer as the crucial factor determining the fortunes of the estate. This was a logical response to the practicalities of ancient agriculture. As Rathbone has noted:

[61] Ibid. 56. [62] Banaji 1997 and 2001 and Mazza 2001.
[63] See reviews by Sarris 2005: 207–19 and Brass 2005: 118–50.

> normally ancient landowners will have had very little room for manoeuvre in adjusting the proportion of the various crops they grew because, apart from the rare and truly exceptional developments . . . the demand for and production of agricultural goods and the mechanisms of supply remained broadly stable over a long period. The 'fast bucks' to be made came in the unpredictable bouts of crop failure and food shortage when prices could become so inflated as to make calculations of profit meaningless.[64]

In such conditions, controlling the costs of production and minimising losses caused by fraud or deception were the key to ensuring the viability and profitability of an estate. This was as evident to the administrators of the Apion estates in the sixth century as it had been to those employed by Appianus in the third.

CONCLUSION

Irrespective of how understanding of the internal workings of late antique great estates has progressed, much current scholarship on late Roman Egypt would appear to operate on the basis of a *tertium quid* seeking to reconcile the 'Gascou model' with the work of those scholars whose main concentration is on peasant prosperity rather than the great estate. Accordingly, Egypt in the fifth and sixth centuries is often characterised as having enjoyed a flourishing and highly monetised agrarian economy populated by peasant producers, alongside whom there coexisted a number of large estates which at times co-operated with the state in official business such as the collection of taxes and the maintenance of imperial troops, but which showed little sign of achieving either economic dominance or social hegemony.[65] The same picture could be, and frequently is, applied to the Eastern Empire as a whole.[66]

Yet, in relation to both Egypt and the empire at large, it should already be apparent that there are problems with this model. We have already seen that the Apion estates were not only very extensive by the mid sixth century, but also expanding. Likewise, on closer inspection, the Aphrodito papyri have revealed the social influence and territorial ambitions of magnate landowners as a key component of life in the town. Great estates have been identified well beyond the Oxyrhynchite, far beyond Egypt, throughout the provinces of the Eastern Empire. Throughout the empire

[64] Rathbone 1994: 53. [65] Bagnall 1993 remains the best synthetical study.
[66] See, for example, Banaji 2001: 6–22, or Ward-Perkins 2000a: 315–45.

there would appear to have been a far greater degree of magnate social and economic influence than is sometimes commonly supposed. But in order to appreciate this more fully, we must take a closer look at the evidence for relations between the great estates and the imperial authorities, and for a late antique concentration of land-ownership in the hands of the mighty.

CHAPTER 9

The great estate and the imperial authorities

INTRODUCTION

The question of the nature of the relationship between the great estates and the imperial authorities is central to any understanding of the political economy of the East Roman Empire in the sixth century. As seen in the Introduction, our contemporary legal sources, such as the constitutions issued by the Emperor Justinian, give the impression of a conflictual relationship, whereby public authority was being progressively undermined by the private economic and social influence of aristocratic landowners.[1] The same conflictual model is in turn reflected back at the imperial government through the critiques of Procopius, John Lydus, and other sixth-century authors of an essentially conservative frame of mind. In recent years, however, historians have become increasingly inclined to emphasise co-operation between public and private authority, aristocrat and emperor. At its most extreme, this tendency has led some to argue that the great estates of late antiquity were essentially the product of imperial *fiat*. They were the outcome of a deliberate policy whereby landowners were burdened with heavy duties and responsibilities, such as the collection of taxes or the maintenance of imperial troops, which may not necessarily have even served their interests. They were, as Gascou has put it, 'public law institutions' or 'a development of the public economy'. As in so many other areas of history, concentration has shifted from diachronic analysis emphasising conflict to synchronic analysis emphasising stability.[2]

But how useful has this change of emphasis been? To what extent is revisionism itself now in need of revision? This chapter aims to explore these issues through examining three of the key practices encountered on

[1] See Patlagean 1975: 1371–96.

[2] Not least due to the heavy influence of social anthropology on historians writing in the 1960s, 70s, and 80s, that is, at a time when social anthropology was highly 'functionalist' in emphasis. For discussion and bibliography, see Goodman 1997: 783–804.

the estates: namely, the adscription of the estate workforce; the associated phenomenon of *autopragia*; and the relationship between aristocratic households and bodies of armed retainers known as *buccellarii*. The first two practices may be taken together, whilst the third requires separate treatment.

THE 'ADSCRIPTICIATE': FROM ABOVE OR FROM BELOW?

Was the development of the adscript colonate and of estate *autopragia* essentially a corollary to the imperial ('Diocletianic') fiscal reforms of the late third and early fourth centuries? In one very obvious sense the answer to that question must be 'yes'. As the work of Carrié, amongst others, makes clear, the emperors of the period were highly concerned with issues of fiscality and were particularly anxious to introduce an element of predictability and fixity to the collection of taxes. In that sense, from the perspective of the state, the tying for fiscal purposes of the *colonus* to the estate as the peasant's legally registered *origo* was indeed no different from the tying of the *parvus possessor* or the *curialis* to their respective fiscal communities. However, the legal development of the adscript colonate was not nearly so simple as this answer would suggest. Our extant legislation on the subject emerges in a piecemeal, region by region manner over several decades. Only over the course of the fifth century does the legal terminology with which the 'institution' is described acquire a degree of uniformity, and the legal status of the *adscripticius* was still causing juridical headaches in the sixth century.[3] As we shall see in the following chapter, one problem was that estates were expanding, with the result that people's *origines* were changing, a development to which the imperial authorities were highly resistant. We must be careful not to regard the adscripticiate as, in any mechanical sense, a product of the Diocletianic fiscal reforms. Rather, the legislation on the colonate gave voice to a fiscally focused imperial concern for the shifting sands of human social relations. The geographical, chronological, and terminological pattern of the legislation would suggest that the economic institution of tied estate labourers, some of whom paid their taxes through the landlord, was developing autonomously, at a provincial level. The state then sought to respond to emergent practice by attempting to provide a public legal framework with which to regulate essentially private

[3] See Fikhman 1990: 166: 'l'accomplissement législatif du colonat eut lieu beaucoup plus tard, en aucun cas simultanément dans toutes les provinces, et l'adscripticiat est mentionné pour la première fois dans la législation et dans les papyrus seulement au milieu du Vè siècle, et l'activité législative visant la solution des problèmes et controverses concernant le colonat a duré pendant tout le VIe siècle'. For a convenient digest of the most important legislation, see Mirkovic 1997: 127–33.

contractual arrangements, in so far, that is, as the terms of these arrangements impinged upon public fiscal concerns. It is for this reason that, as Carrié has noted, 'none of the imperial constitutions that have come down to us is a law on the colonate; at most we have laws relating to *coloni*'.[4] It is also for this reason that the legislation focuses primarily on the fiscal responsibilities of the *colonus*. As we have seen in chapter seven, however, that is not to say that the *coloni adscripticii* of the sixth century constituted a purely fiscal category, devoid of economic characteristics as a class.

Certainly, if we take estate *autopragia*, the practice of estate workers paying their taxes to the imperial authorities through the intermediary of the landowner is attested in the papyri long before any mention of autopract status in the legal sources. Tax collectives of resident labourers paying their taxes via their landowner are recorded, for example, in the mid-third-century estate accounts preserved in the 'Heroninos archive'.[5] Such arrangements are likely to have been the result of private initiatives on the ground. Likewise, as Rémondon noted, in the legislation of the early fifth century, *autopragia* is represented as a privilege that the owners of estates were actively claiming for themselves, rather than a cumbersome burden that was being forced upon them by the imperial centre.[6] A similar point can be made in relation to *adscripticii*. In *P.Oxy*. L 3584, dating from *c*. 439–62, we encounter a petition from an estate labourer by the name of Apphous. Apphous describes himself as the *paroikos* (πάροικος) of an imperial estate, obliged to pay his share of his village taxes through the estate *curator*, Flavius Strategius.[7] The term *paroikos* is highly suggestive in this context, as it appears in the sixth-century legislation as a synonym for *enapographos* and in the Middle Byzantine period becomes the standard word for a tied estate labourer.[8] *De facto*, Apphous would seem to have been a *colonus adscripticius* resident on an autopract imperial estate. He did not describe himself as such (that is, as an *enapographos*) because, in Egypt at least, when the petition was composed, this essentially imperial legal

[4] Carrié 1983: 243: 'aucune des constitutions impériales qui nous sont parvenues n'est une loi sur le colonat; tout au plus nous avons des lois relatives aux colons'.

[5] See Rathbone 1991: 404–7.

[6] See *Codex Theodosianus* 11.22.4 (AD 409) refering to the *ius* 'vulgo autopractorium vocatur' being illicitly claimed by African landowners.

[7] That the document should be dated earlier within the possible range of dates rather than later is suggested by the fact that Strategius is styled αἰδέσιμος πολιτευομένος – that is, it was written before he received the title of *comes*.

[8] For sixth-century usage of the adjective παροικικός with respect to estate *coloni*, see *Codex Iustinianus* 1.2.24; *J.Nov*. 7, *proemium*; and *J.Nov* 120. For Middle Byzantine usage, see, for example, *Theophanis Chronographia*, ed J. Classen (Bonn, 1889): II, 756, line 10, where the chronicler writes of the κτήματα καὶ πάροικοι of ecclesiastical estates. For further discussion of the word *paroikos* and its connotations, see Sarris 2004a: 309.

designation was yet to become the uniform term for an already existent social reality.[9] In short, Apphous was an adscript colonus *avant la lettre*.

Indeed, perhaps the best way of characterising the legislation on *coloni adscripticii* is that it records a private social and economic institution (i.e. resident labour on the great estate) becoming increasingly incorporated within a developing public-law framework (i.e. through the registering or adscription of the *colonus* on the tax roster of his land-owning employer) which in turn came to be associated with the estate's acquisition of privileged fiscal status (i.e. *autopragia*). This dovetailing of private and public left vestigial traces in the legal sources. But adscription was ultimately only possible because it served the interests of landowners, through giving public legal sanction to their own private contractual arrangements.[10]

What, then, are these vestigial traces that enable us to distinguish between the public and private origins of the obligations incumbent upon the *colonus*? First, we should note that the legislation sanctioning the payment of taxes by agricultural workers through their landlord was permissive rather than prescriptive in character. Thus *Codex Iustinianus* 11.48.8 (a constitution originally dating from the 370s) makes it clear that workers remained free not to enter into such a relationship if they chose, and could continue to pay their taxes directly.[11]

This point is re-enforced by *Codex Iustinianus* 11.48.22, a Justinianic constitution which emphasises that adscription had to be agreed to by the worker explicitly and separately. Entering into the employment of a landowner was not of itself sufficient to render an agricultural worker adscript. As Justinian decreed:

> As we know, Our justice stipulates that no one's status may be decided upon in advance on the basis of statements or of a written confession alone; but, rather, further corroboration is required. We deem therefore that the contract of employment (*conductio*) in itself or a statement in writing are by no means sufficient to impose upon any individual the status of *adscripticius* and that such a written statement needs to be supported by something else such as a written certificate on the enrolment in its tax lists or something like that as prescribed by law.[12]

[9] As Fikhman has noted, ἐναπόγραφοι γεωργοί are not described as such in the extant papyrological record until 441 at the earliest, and probably not until the 460s. See Fikhman 1984: 166. To date, the earliest papyrological reference to an *enapographos georgos* is to be found on *P.Med*. I 64 (restored).

[10] Fikhman 1990: 165: 'il est difficile de concevoir que l'état ait pu . . . introduire de si forts changements . . . si ces changements ne répondaient pas aux intérêts de la classe dominante'.

[11] See the detailed discussion by Sirks 1993: 345 and 362–4.

[12] *Codex Iustinianus* 11.48.22: 'Cum scimus nostro iure nullum praeiudicium generari cuidam circa condicionem neque ex confessionibus neque ex scriptura, nisi etiam ex aliis argumentis aliquid accesserit incrementum, sancimus solam conductionem vel aliam quamcumque scripturam ad hoc

A *colonus* thus became *adscripticius* not by imperial command, but rather by means of an explicit additional agreement to that effect (a *pactum adiectum*) between labourer and landowner separate and distinct from any contract of employment.[13] The legislation records an initial (original) private contract establishing an economic relationship between *dominus* and *colonus*, and then a separate agreement establishing a fiscal one that brought the relationship within the purview of the state. The main concern of the imperial authorities was ultimately to ensure that the taxes that the landowner had agreed to hand over to the state were received. As a constitution of 366 or 371, repeated in the *Codex Iustinianus* as 11.48.4, states:

> those who are in possession of the estates are to pay up by themselves or through their representatives the taxes the full payment of which they have pledged to ensure by means of a thorough collection and exaction from those *coloni originales* [i.e. *adscripticii*] whom it will have been established are registered in the tax roster of such lands.[14]

As indicated, in the adscripticiate, we encounter a dovetailing of private contractual arrangements with public law such that the private origins of the institution remain visible. There were always bound to be strong pressures, however, for these public and private aspects to intermingle and merge. So it is that, from the legislation of the late fifth and early sixth centuries, we begin to derive a much clearer sense of the economic character of the *coloni adscripticii*. Under Anastasius they are described as 'obliged to work the land and pay the tax'. Under Justinian they are 'the inhabitants of the estate settlements and the workers of the fields'.[15]

We should note, however, that the separation of contractual forms demanded in the legal sources is faithfully adhered to in the Apion archive. As we have seen, the *enapographoi georgoi* on the Apion estates were apparently bound initially by means of a direct contract of employment made

minime sufficere nec adscripticiam condicionem cuidam inferre. Sed debere huiusmodi scripturae aliquid advenire adiutorium, quatenus vel ex publicis census adscriptione vel ex aliis legitimis modis talis scriptura adiuvetur.' For *conductio* as 'contract of employment' see Birks and McLeod 1987: 152: the civil law 'contract of hire' (*locatio et conductio*) was formed out of the 'lease' (*locatio*) and the 'contract of employment' (*conductio*). They note, however, that 'all attempts at happy equivalents for *locator* and *conductor* seem doomed'.

[13] See the highly perceptive comments of Sirks 1993: 346 and 358: 'we may consequently define the adscripticiate as based upon an agreement between landowner and *colonus* to guarantee an administrative duty, preceding or annexed to the contract of labour or lease (thus a *pactum adiectum*) . . . The landlord guaranteed the payment of the tax of the farmer, in exchange for the cultivation by the farmer of his land.'

[14] *Codex Iustinianus* 11.48.4: 'ii, penes, quos fundorum dominia sunt, pro his colonis originalibus, quos in locis isdem censitos esse constabit, vel per se vel per actores proprios recepta compulsionis sollicitudine implenda munia functionis agnoscant'.

[15] See chapter seven.

with the household which was then supplemented, possibly by means of a lease granting access to the landholdings of the *ktemata*. This initial contract of employment was certainly supplemented by means of a contract of surety made with a third party to ensure that the *georgos* would remain on the Apion estates and pay the landowner the taxes to which he was liable. As *PSI* I 62 states, the agricultural worker was obliged to 'remain and abide on the same holding and sow . . . and pay the public taxes'.[16] As such, the contracts of surety record not only the prior contract of employment, but also the legally required *pactum adiectum* establishing adscription, hence their emphasis on fiscal obligations.

The laws and the papyri mirror one another in a further respect: that is to say, in terms of the nature of the relationship between *dominus* and *colonus*. In both the contractual papyri and the petitions, the relationship is described as direct, personal, and unmediated, rather than in impersonal, fiscal terms. In the contracts of surety addressed to the Apion *geouchos*, for example, the *enapographos georgos* vouchsafed for is the 'registered landlabourer of your magnificence'.[17] Likewise, in the imperial legislation, the adscripted *colonus* is represented as placing himself 'within the power' of his master (*in domini potestate*). Whilst the *colonus adscripticius* retained the status of a free man (*liber*) with respect to society at large, his status as a tied labourer registered on the tax roster of his employer placed him within the *familia* – or 'family of dependants' – of the landowner whom he served. As such, his standing with respect to his *dominus*, and his *dominus* alone, was analogous to that of a slave within the Roman law of persons.[18] In the *Codex*, for example, Justinian advises that the landowner use his rights over the *colonus* 'with the care of a patron, but the power of a master'.[19]

[16] *PSI* I 62, lines 17–19: παραμεῖναι καὶ διάγειν ἐν τῷ αὐτῷ κτήματι καὶ σπείρειν . . . καὶ πληρῶσαι τὰ δημόσια.

[17] See *P.Oxy*. I 135, lines 13–15.

[18] For the concept of *familia*, see Saller 1994: part II.

[19] *Codex Iustinianus* 11.52.1: 'possessor eorum iure utatur et patroni sollicitudine et domini potestate'. Described as a constitution of 395, one cannot be sure of the extent of the Justinianic interpolations and reworkings it contained. The same constitution describes *coloni* as 'et licet condicione videantur ingenui, servi tamen terrae ipsius qui nati sunt aestimentur'. This status results from the *nexus tributariae* entered into by coloni. Note also *Codex Theodosianus* 5.17.2: 'Quisquis colonum *iuris alieni* aut sollicitudine susceperit aut celaverit . . .' Sirks has suggested that slavery provided the imperial authorities with the obvious analogy from which to borrow a terminology to begin to describe the colonate as it emerged. If so, the phenomenon provides an excellent example of the enormous ideological hold of the concept of slavery on the late Roman imagination – for which see Garnsey 1996: Section 3. As de Ste Croix notes (1981: 159–60) this 'ideological' perspective may have taken on a life of its own, such that the legal position of the *coloni* came increasingly to resemble that of slaves in more than broadly analogous respects. However, yet again, the imperial authorities were almost certainly reacting to a phenomenon that had already developed of its own accord within

IMPLICATIONS FOR THE 'GASCOU THESIS'

The legal character of the contracts of surety in particular, together with their inclusion of the *pactum adiectum* required for the fiscal adscription of the *colonus*, is important, for it undermines a central tenet of the 'Gascou thesis'. Essentially, Gascou's claim that the relationship between the Apion household and its *georgoi* was largely fiscal in character, and that, as a result, the Apion household was a semi-public body, is dependent on the assumption that these contracts of surety, with their pronounced fiscal component, represented the sole contractual relationship between the household and its agricultural labourers.[20] But, as seen, this assumption is based upon a misapprehension of both the juridical texts and the papyrological evidence. Likewise, Gascou's belief that the semi-public character of the household is demonstrated by the high proportion of *epoikion* revenues which the Apion accounts record to have been paid over to the imperial authorities is largely derived from his failure to spot the specifically assigned nature of *epoikion* income, and the predominant role played by the *autourgia* within the internal economy of the great estate.[21]

Nor, we should note in passing, is there any evidence that the Apion family either rented landholdings to its peasants by means of emphyteutic lease, or itself held land emphyteutically, be it from the Crown or the local municipality. The emphyteutic lease was something of an anomaly within Roman law, in that it granted the tenant such security of leasehold, and, once fixed, rendered the level of rents so unalterable, as effectively to drain

provincial society; as seen, the Egyptian *coloni* would appear to have been bound by contracts of the παραμονή type: in the Roman papyri, one's agreeing to serve via παραμονή – even for but a limited time – is often described in terms of one's entering into a servile or quasi-servile status. See Taubenschlag 1955: 375.

[20] See Gascou 1985: 23 'les colons . . . voyaient dans le geouchos plutôt le percepteur et l'administrateur que le propriétaire'. We should also note Banaji's highly pertinent analysis of Gascou's claims that these dues paid by the Apion workforce constituted a 'rent-tax'. As Banaji has stated, 'the only obligations involved are fiscal ones, so it is not clear why these passages should be construed as supporting the notion of a rent-tax . . . All they do establish is that Apion employees had fiscal obligations, not that no other sort of obligation was involved in the payments exacted by the estate'; Banaji 2001: 96. Certainly, the Apion estate accounts suggest that the προνοηταί on the Apion estates collected rents on *epoikion* resources and ktematic landholdings at the same time as collecting the poll-tax from the γεωργοί, but as Banaji and Sirks both note, Justinian (*Codex Iustinianus* 11.48.20) allowed for the possibility that estates made a single set of collections with the distinction between private and fiscal revenues being established subsequently. This practice would have been logical and carries with it no implications to the effect that the distinction between rent and tax had disappeared.

[21] Gascou 1985: 36 and 37: 'Autant qu'on puisse en juger, l'impôt emportait donc une part majoritaire de recettes en blé de la glorieuse maison . . . un oikos hermopolite contemporain des Apions affectait à l'impôt près du tiers de ses recettes en blé.'

the concept of 'ownership' of almost all its legal content.[22] As we have seen, Gascou's hypothesis that the sums collected by the Apion administrators contained an element of emphyteutic rent is based on the fact that some of these payments are described as 'invariable' (*apotakta*). But as Banaji has suggested, this description arguably makes more sense in terms of the payments having been 'invariable with respect to the Nile flood . . . presumably because the properties in question had an assured water supply'.[23] The primary purpose of *emphyteusis* as it developed in late antiquity was probably to ensure the continuous cultivation of unproductive land. It was also widely used in ecclesiastical contexts: legally, the Church could not alienate its property, but the emphyteutic lease gave it a *de facto* means of doing so. It is instructive that all Justinian's legislation on the subject is either dryly jurisprudential in character, or is expressly concerned with ecclesiastical estates alone.[24] It would therefore have been a rather inappropriate contractual instrument to apply with respect to the (highly productive) Apion estates.

Likewise, there is little evidence that the imperial authorities ever sought to do away with the civic structures of provincial government in the manner implied by Gascou.[25] As both Liebeschuetz and Geremek have noted, although the papyrological evidence is meagre, city councils (Gr. *boulai*) and city councillors (*bouleutai*) are attested in the Egyptian papyri throughout the sixth and seventh centuries, and Justinian's provincial legislation, including his edict on Egypt and Alexandria, presupposes that cities continued

[22] See Nicholas 1962: 148–9 and *Codex Iustinianus* 4.66.1: a constitution of Zeno dating from 476–84: 'ius emphyteuticarium neque conductionis neque alienationis esse tituli addicendum, sed hoc ius tertium sit constitutum'. Note also *J.Inst.* 3.3.24: 'Adeo autem familiaritatem aliquam inter se habere videntur emptio et venditio, item locatio et conductio, ut in quibusdam causis quaeri soleat, utrum emptio et venditio contrahatur, an locatio et conductio. Ut ecce de praediis, quae perpetuo quibusdam fruenda traduntur, id est ut, quamdiu pensio sive reditus pro his domino praestetor, neque ipsi conductori neque herede eius, cuive conductor heresve eius id praedium vendiderit aut donaverit aut dotis nomine dederit aliove quo modo alienaverit, auferre liceat. Sed talis contractus, quia inter veteres dubitabatur et a quibusdam locatio, a quibusdam venditio existimabatur: lex Zenoniana lata est, quae emphyteuseos contractui propriam statuit naturam neque ad locationem neque ad venditionem inclinantem, sed suis pactionibus fulciendam.'

[23] Banaji 2001: 94–5. An alternative hypothesis is suggested by Hickey 2001: 54–6. Hickey suggests that the *apotakta* consisted of 'fixed rent on vineyards', which he acknowledges were probably artificially irrigated so had an assured water supply rather than being fed by the inundation of the Nile. His position is thus less far away from that of Banaji than he perhaps implies.

[24] *Codex Iustinianus* 4.66.2, 3, and 4 (dating from 529, 530, and 531–4) are purely concerned with the legal character of *emphyteusis*. *J.Nov.* 7 (535), 55 (544), 120 (544), 131 (545), and 123 (546) all concern ecclesiastical property. By the eighth century matters were rather different, however, as I intend to argue elsewhere. For the development of the concept from a jurisprudential perspective, see Levy 1951: 77–80.

[25] See the excellent recent discussion by Laniado 2002.

to spend money on their own municipal purposes.[26] Neither is there any evidence that aristocratic households (*oikoi*) were corralled into colleges made up of 'contributors' known technically as *syntelestai*. The term *syntelestes* would appear to have been used in the imperial legislation and the documentary papyri either to designate 'a taxpayer registered in his own name and not on the estate of somebody else' – that is to say 'a land-owning tax-payer' – or simply to indicate a tax-payer of high rank.[27] There is no sign from the legal and papyrological sources of any corporate, institutional, or technical sense of the word beyond that, certainly nothing approximating to Gascou's reading of it as 'a technical term for a member of the consortium of landowners responsible for the taxes of a city or village'.[28]

In short, there is no legal basis for the claim that the imperial authorities, of their own initiative, ever obliged a limited number of magnate households in each region to undertake the general collection of taxes and perform a wide range of civic *munera* in place of the traditional structures of civic government. Rather, we appear to witness a process whereby the dominant aristocratic households found it more convenient and advantageous, at a local level, to attach themselves to a fixed set of administrative duties and responsibilities, rather than undertaking a succession of civic liturgies.[29] They did so, however, initially from within and ultimately alongside the surviving civic governmental structures.[30] The state then adjusted itself to this situation, regularising and institutionalising the practice. As Liebeschuetz has written 'it is likely that the most powerful "houses" volunteered to be placed in this position precisely in order to wield the power they afforded'.[31] By virtue of the ambitions of these aristocratic households, the structures of civic administration were manipulated so as to undermine

[26] See Geremek 1990: 47–54 and Liebeschuetz 1996: 389–408. Geremek notes that the seventh-century Hermopolite fiscal codex records payment made διὰ τῆς βουλῆς Ἀντίνου (Geremek 1990: 48). Liebeschuetz notes (389) that *Codex Iustinianus* 1.4.26 records cities spending money on aqueducts, baths, harbours, fortifications, towers, roads, and bridges: 'The laws suggest that cities were in control of a number of distinct sources of revenue, each more or less permanently assigned to a particular range of expenses.'

[27] Liebeschuetz 2001: 182–3, especially n. 75 citing *J.Nov*. 163.17.1; 128.4; 128.9; *Codex Iustinianus* 1.4.18 and (especially for papyrological sources) Laniado 1996: 23–51.

[28] Liebeschuetz 2001: 182 and Gascou 1985: 49–51.

[29] Liebeschuetz: 1996: 395–6: 'There is no evidence for the systematic privileging of a limited number of estates in each city in the way suggested by Gascou . . . the total picture, as far as we can reconstruct it, was much more irregular . . . than Gascou's model would have been . . . The establishment by the imperial government of a new category of semi-public or semi-private ownership linked with an obligation to collect taxes and perform a wide range of civic *munera* would – as Gascou has seen – have required the creation of a legal vocabulary to describe it. But the argument that there was indeed such a vocabulary is not convincing.'

[30] See Laniado 2002: 71 and 103–4.

[31] Liebeschuetz 1996: 405.

curial self-government. What evolved instead was a system of 'government by notables'.[32]

'Initially from within and ultimately alongside' is the operative phrase: as will be seen in chapter ten, over the course of the fourth and fifth centuries the heads of these dominant aristocratic households were enrolled into the senatorial order of Constantinople. The imperial authorities were careful to ensure that most senators remained liable to curial responsibilities.[33] Those holding the highest senatorial rank – the *illustres*, however, were formally exempted. In practice, the papyri would suggest that the households of these magnates nevertheless remained implicated and involved in local civic responsibilities and duties. The only real difference that senatorial exemption ultimately made was that the *illustris* did not have a seat on the *curia*. His wishes and opinions, however, could not be ignored. Accordingly, as Laniado has noted, in the year 505, for example, the Emperor Anastasius (r. 491–518) entrusted the election of the office of *defensor civitatis* to an electoral college comprising not only the *curiales* of the city concerned, but also the other leading members of local society: the bishop, clergy, holders of senatorial rank, and great landowners.[34]

The way in which the greatest landowners came to dominate civic responsibilities and activities, and the manner in which the state responded to this phenomenon, is best exemplified by the emergence of the office of pagarch, an office which, as seen in chapter six, would seem to have been institutionalised in Egypt in the late fifth century. As the Aphrodito papyri reveal, landowners were very keen to exercise pagarchical authority beyond their own estates, as it offered them a means of extending their social and economic influence. The non-Egyptian equivalent to the pagarch was the *vindex*, a post that was institutionalised in the early sixth century, in the reign of the Emperor Anastasius. Like pagarchs, *vindices* were officially appointed by the praetorian prefect in Constantinople. Landowners were so eager to obtain the post that they were even willing to bid for it, a process that, of course, favoured the most wealthy. Thus John Lydus, in his hostile account, records that Anastasius' praetorian prefect Marinus

> undid the curial councils of all the cities, selling off the subjects to anyone, as it chanced, provided only that the latter promised him the greater amount, and, in place of the city councillors, who hitherto had determined the fiscal arrangements,

[32] Liebeschuetz 2001: 110–11 and Whittow 1990: 3–29.
[33] See Heather 1994: 26.
[34] Laniado 2002: 38.

> he appointed the so-called *vindices* . . . who, when they had gained control of the contributors, treated the cities as nothing less than enemies.[35]

Presumably the post of *vindex* was put out for tender at periodic intervals. In the light of John Lydus' account, it is difficult not to be reminded of Procopius' (alas corrupted) description of how Justinian

> picking out the most wicked of men, would sell them at great price the offices that were to be corrupted by them (?) . . . Then, after collecting this cash from those with whom he was cutting the deal, he would confer upon them authority to treat their subjects in any way they pleased. This enabled them to ruin all the districts allotted to them, inhabitants and all, and make enough money to keep them in luxury for the rest of their lives.[36]

Banaji has commented that 'the emergence and development of the pagarchy was surely an important reflection of the power of purely "civil society" over public functions which the late imperial state had always sought to control or exercise directly'.[37] The same can be said of the office of *vindex*. Neither post simply grew out of developments within the 'public economy'. Rather, in both instances, we see yet another readjustment on the part of the imperial authorities, the government seeking to regulate, control (and also, *pace* Rémondon, profit from) the dominant hold over civic posts that the aristocratic or magnate households had acquired for themselves by virtue of their own social and economic ascendancy. The state was desperately trying to harness, for its own purposes, the authority and ambitions of a locally preponderant elite. As with the adscript colonate and *autopragia*, the crucial point is that imperial legislation was reactive rather than initiatory.

LANGUAGE, LAW, AND AUTHORITY ON THE GREAT ESTATES

The claim that the magnate estates of late antique Egypt were 'semi-public' bodies, emergent from and dependent upon the structures of the Roman

[35] John Lydus, *De Magistratibus* 3.49: τὰ μὲν βουλευτήρια πασῶν παρέλυσε τῶν πόλεων, ἀπεμπολῶν τοὺς ὑπηκόους παντί, ὡς ἔτυχεν, εἰ μόνον αὐτῷ τὸ πλέον ὑπόσχοιτο, καὶ ἀντὶ τῶν ἀνέκαθεν στηριζόντων τὰ προστάγματα βουλευτῶν προχειρίζεται τοὺς λεγομένους βίνδικας . . . οἱ παραλαβόντες τοὺς συντελεῖς οὐδὲν πολεμίων ἧσσον τὰς πόλεις διέθηκαν.

[36] Procopius, *Anecdota* 21.9–13: τοὺς πονηροτάτους τῶν ἀνθρώπων ἀπολεξάμενος διεφθάρθαι ἀπεδίδοτο τὰς ἀρχὰς σφίσι χρήματων μεγάλων . . . τοῦτό τε τὸ χρυσίον πρὸς τῶν ξυμβαλλόντων κεκομισμένος ἐς τὴν ἐξουσίαν αὐτοὺς ἐνβίβαζε τοῦ τοὺς κατηκόους πάντα ἐργαζέσθαι. ἀφ᾽ ὧν ἔμελλον τὰς χώρας αὐτοῖς ἀνθρώποις ἀπολοῦντες ἁπάσας πλούσιοι τὸ λοιπὸν ἔσεσθαι αὐτοί.

[37] Banaji 2001: 100.

state also rests upon a linguistic and terminological misapprehension. As Gascou has noted, in the documentary papyri that make up the Apion archive, we often encounter a terminology and a vocabulary that bear very close resemblance to what the imperial authorities used in public and official contexts. In particular, as seen above, the papyri frequently demonstrate a keen alertness to legal vocabulary and form. This tendency has arguably led Gascou to confuse essentially private activities for public arrangements.[38] Yet this practice is entirely explicable both lexically and sociologically. The late-antique magnate elite, as already seen, and as will emerge with somewhat greater clarity in the section that follows, was made up of individuals who were intimately associated with imperial service, as indeed were many of those who administered their estates, such as the *comites* recorded in *P.Bad.* IV 95. It would have been natural for such individuals to have deployed, in the context of their own private economic activities, administrative techniques and terminological forms derived from their experience of imperial government. In any case, the use of 'official' lexical forms to describe private economic transactions had long been a feature of the Greek language. There were, after all, only so many words that could be used for essentially similar responsibilities and activities. This use of 'official language' would have been particularly pronounced in those documents, such as petitions, addressed to the head of the family, composed as they almost certainly were by Coptic speakers, who may have had a natural tendency when using Greek to fall back upon well-known *formulae* and phrases.[39]

The close attention to legal detail found above all within the contractual papyri, by contrast, is explicable on more than purely sociological grounds. For however much local society was coming to be dominated by a landowning elite in the fifth and sixth centuries, the structures of imperial government, and hence the potential writ of imperial law, nevertheless remained a feature of provincial life.[40] As seen in relation to Aphrodito, social tensions and conflicts of interest within provincial society frequently led to legal proceedings.[41] Given that contracts and associated documents

[38] Thus, for example, in relation to the roster of demands or ἀπαιτήσιμον, see Gascou 1985: 19.

[39] So it is that Gascou's inferences pertaining to 'la communauté d'inspiration, de phraséologie, entre les pétitions de colons au dominus et les requêtes adressées par des sujets ordinaires à une autorité régulière' can be seen to have a slightly wrong emphasis. Many of the documents drafted by individuals bearing Coptic names remind one of nothing so much as the stilted and formulaic character of early-twentieth-century Indian English, itself a hangover from the verbosity of Victorian and Edwardian colonial 'officialese'.

[40] See Honoré 1998: 23–5.

[41] See the highly informative petition *P.Oxy.* VI 902 – dating from 465 – in which a γεωργός whose master has died, and who now finds himself in the services of the deceased's brother, complains to

were potentially actionable, it was vital that they be carefully composed with a view to the legal niceties. From at least the 520s to the 620s we encounter Apion contracts agreed 'through Menas the *oiketes*' (διὰ Μηνᾶ οἰκέτου).[42] This chronological span makes it very unlikely that Menas actually existed.[43] Rather, the phrase would appear to have been a formula, used in the absence of the landowner, explicable in terms of the civil-law doctrine of privity of contract, and the consequent difficulties faced by Roman law in terms of developing a fully-fledged concept of agency.[44] The *oiketes* Menas was a legal fiction, contrived to overcome a weakness of the civil law.

The use in the documentary papyri of the great estates of an officially or legally derived vocabulary should not be allowed to cloud our understanding of the essentially private character of these estates. Nor should the willingness of members of the land-owning elite to shoulder fiscal and administrative responsibilities. As Rémondon argued, the state did seek to harness the ambitions of the elite for its own purposes. But then, as the development of the adscripticiate, the pagarchy, or the office of *vindex* demonstrates, such administrative readjustments as the state engaged in tended to bolster elite authority rather more effectively than it contained it, a point that Rémondon failed to note. The partial delegation of administrative responsibilities did not, of itself, mean that the development of great estates ceased to be a potential threat to the effective expression of

the *defensor* that his new master was making demands of him the legitimacy of which he could not prove *in writing*.

[42] The earliest attestation to date is *P.Oxy*. XVI 1984 (523), the latest, *P.Oxy*. LVIII 3959 (620). He also appears in 591 (see *P.Oxy*. LVIII 3935) and throughout the early seventh century.

[43] See the comments by Fikhman in Pintaudi (ed.), *Papyrologica Florentina* 7 (1980) 71 note, line 4, where he describes it as a customary formula used on the estates.

[44] See Nicholas 1962: 201 for general principles, and 204 for the continuing hold of this concept in Justinianic legislation, in spite of the post-classical development of the *actio institoria*. Roman law always had difficulty with the concept of an agreement being made between two parties via a third. Individuals such as slaves, however, who were *in potestate*, were agreed to be capable of implicating their masters in such agreements as they made, as they did not possess full legal personality and did not own their own *peculium*. As such, in effect it became possible for A to make a contractual agreement with the absent B, if the agreement was made via B's slave – C. Menas the οἰκέτης appears to be the fictitious C. As Nicholas notes (201): 'In modern law, if an agent enters into a contract on behalf of the principal with a third party, he creates rights and duties directly between principal and third party, and himself incurs neither. Roman law had no concept of agency in this sense, although eventually it evolved a system which yielded some of the same results. The slowness of the evolution and the inadequacy of the outcome may have been due in part to the facts that business agents were often slaves and that within the family the law yielded quite satisfactory results at quite an early stage.' The more the Apion estates expanded, the less realistic it was for the head of the family to make agreements in person. Thus it is interesting that, as Gonis notes, the Menas formula only appears in documents where the head of the family is described as owning land 'also in Oxyrhynchus', implying trans-regional ownership. See *P.Oxy*. LXVII 4616, lines 4–6, note.

imperial authority. Nowhere is this clearer than with regard to the third key feature of the great estates under examination: their relationship with armed retainers known as *buccellarii*.

BUCCELLARII

As seen in chapters four and six, although the magnate *geouchoi* of sixth-century Egypt exercised a high degree of influence, and even control, in provincial society, their authority nevertheless remained contestable. Individual landowners were vulnerable not only to the rivalry of their peers, but also the passive resistance and potentially overt aggression of the peasantry. Accordingly, as in most pre-industrial societies, the maintenance of the authority of any given magnate, and the profitable management of his estates, depended to a very great extent on the capacity of the landowner or his representatives to instil fear in neighbour and employee alike.

In this context, it is instructive that two of the earliest historians of Byzantine Egypt, Maspero and Hardy, found evidence in the papyri for the existence on the great estates of bodies of armed men described as *buccellarii*. Hardy, for example, wrote of how 'the existence of soldiers under the control of private individuals and acting in their interest is one of the most remarkable new features in Byzantine Egypt. From the military bread, *buccella*, these soldiers derived their name.'[45]

Hardy was evidently struck by the fact that the Apiones in particular, in spite of their own close association with the Justinianic regime, apparently felt little compunction in flouting the long-established Roman law prohibition on the raising of bodies of armed retainers by landlords. This prohibition had been reiterated by Justinian both in the *Digest* and in various imperial constitutions contained in the *Codex Iustinianus* and the emperor's post-codificatory novels.[46] As seen in chapter eight, the existence of the Apion *buccellarii* came to play an important part in the traditional 'feudalising' narrative of late Roman Egyptian historiography, before being reinterpreted first by Rémondon, and subsequently by Gascou, who identified the maintenance of *buccellarii* as one of the public obligations

[45] Hardy 1931: 60–1. *Buccella* was a flat bread – see the Latin 'First Commentary on the Pentateuch' recorded from the lectures of the late-seventh-century Cilician Archbishop Theodore of Canterbury – 107 – '*Buccellam panis* [XVIII.5]. Dicitur bucella panis, quando rotunda et plana fit et non torta.' See *Biblical Commentaries from the Canterbury School of Theodore and Hadrian* (1994): 324.

[46] See *Digest* 48.6 (*Ad legem Iuliam de vi publica*) and 48.7 (*Ad legem Iuliam de vi privata*). Constitutions on essentially the same subject are to be found in *Codex Iustinianus* 11.12.10 and *J.Nov.* 30, whilst *J.Nov.* 85 prohibits the private acquisition of weapons.

incumbent upon the magnate household.[47] But does this reinterpretation stand?

As Gascou and Rémondon quite rightly noted, the appearance on the Egyptian great estates of men-at-arms termed *buccellarii* cannot be divorced from the appearance within the imperial field armies of bands of soldiers bearing the same title. The origins and development of these imperial *buccellarii* may be summarised as follows. Partly as a result of the increasingly important role played by commanders of Germanic origin in the late Roman army, and thus of growing familiarity with Germanic social and military institutions, from the late fourth century onwards, we begin to find mention in the sources of bodies of armed men employed in the private service of military commanders and imperial officials. These armed retainers were used as personal bodyguards and fought alongside their patrons when they found themselves engaged on active military service.[48]

Initially these armed retainers seem to have been recruited primarily from amongst barbarians but eventually came to consist of composite units of individual recruits, both barbarian and Roman, united primarily by their agreement to serve a common master, rather than any pre-existing tribal or cultural affiliation.[49] That these warriors, raised privately but deployed when necessary on behalf of the state, should have come to be known as *buccellarii* has been accounted for in two ways. It is generally agreed that, as Hardy suggested, the word derives from the *buccellatum* or hard biscuit issued to troops, and may initially have been a general nickname for soldiers – 'biscuit-boys'. The use of the term for specifically private troops may thus refer to the fact that such men-at-arms were fed and maintained by their master. Alternatively, it might be read to imply that when engaged on imperial campaign, such troops received only food rations from the authorities and were dependent on their master in every other respect.[50]

The readiness of the imperial authorities to see such troops raised and deployed must be understood in the context of the general military crisis of the period. In 440, for example, when faced with the Hunnic challenge,

[47] See Gascou 1976: 144–56. Thus Bagnall has written of how 'the notion that the wealthy developed private, feudal military forces as a systematic force of coercion was . . . demolished by J. Gascou's study'; Bagnall 1993: 172.

[48] See Schmitt 1994: 147–74.

[49] Ibid. 151–2 and 163. Such bands of *buccellarii* were presumably recruited, at least in part, from the itinerant individual warriors who traversed the late Roman world seeking military service. See, for example, the career of Hildebrand as described in the Hildebrandslied: Gutenbrunner 1976.

[50] That the word *buccellarius* originated as a nickname is suggested, for example, by Delbrück 1902: 408. For the second hypothesis, see Schmitt 1994: 158.

the imperial authorities even suspended the traditional prohibition against the taking-up of arms by civilians in the provinces.[51] Over the course of the fifth century, *buccellarii* were increasingly employed as elite detachments of mounted shock troops and, as such, it has been suggested, played an important role in Justinian's armies of western reconquest.[52] At some point in the sixth century, identified by Haldon as probably being the 580s or 590s, the *buccellarii* were fully incorporated into the imperial army as an elite corps remunerated on the same basis as the regular army.[53] So complete was this integration that by the second half of the eighth century we find recorded the existence of a military district known as the 'theme of the *Buccellarii*' (τὸ θέμα τῶν βουκελλαρίων) encompassing a wide swathe of western Anatolia.[54]

In the late Roman period we also see the introduction of a practice whereby provincial landowners were expected to provide for imperial troops garrisoned in their locality. At the same time, they were obliged to supply military recruits as part of their tax burden and could even forcibly sign up their *coloni*.[55] This responsibility is certainly attested in the legal sources in the late fourth century, and although, as Jones noted, no mention is made of it in the *Codex Iustinianus*, Whitby has suggested that the practice may nevertheless have survived at a provincial level.[56]

It is in this context that Gascou, followed by Liebeschuetz, Whittaker, and, most recently, Schmitt, have argued that the existence of *buccellarii* on the Apion estates and those of their analogues must be understood.[57] For, to Gascou, as already suggested, the Apion *buccellarii* were troops of an entirely imperial character for whom the Apiones were obliged to provide as one of the *munera* delegated to the household. As such, their presence on the great estate was devoid of any wider social significance. As Gascou has stated of the *buccellarii* on the Apion and related estates: 'the administrators of the households used them, but by no means for private ends'.[58]

[51] *Nov. Val.* 9.1 *De Reddito Iure Armorum*; in response to the threat posed to the empire by the Vandal fleet, the emperor also permitted provincials to take up arms that the empire be defended *fideli conspiratione et iuncto umbone*.

[52] See Schmitt 1994: 155; Gascou 1976: 144. Procopius, of course, never uses the word βουκελλάριος, preferring the classicising δορυφόρος.

[53] Haldon 1990: 211. See also *Les listes de préséance byzantines*: 348.

[54] Toynbee 1973: 254. The theme is first attested in 766/7.

[55] See the excellent discussion by Zuckerman 1998: 79–140. For the forced conscription by landowners of *coloni*, see ibid. 110–18: Vegetius suggested *c*. 386 that landowners took advantage of this practice to get rid of shoddy workers.

[56] See *Codex Theodosianus* 7.13.7 (*De Tironibus*) *anno* 375 and 11.18.1, *anno* 412. For conscription in the Justinianic era, see Jones 1964: II, 668. *Contra* see Whitby 1995: 75–87.

[57] Liebeschuetz 1986: 463–74 and Liebeschuetz 1990: 43–7. Whittaker 1993: 277–302.

[58] Gascou 1976: 150: 'les administrateurs des οἶκοι les utilisaient, mais nullement à des fins privées'.

That, on occasion, the *buccellarii* attested in the Apion archive were indeed officially registered imperial troops meant to serve alongside other elements of the imperial army operative in the vicinity of the family's estates would appear to be confirmed by a number of papyrological references. First, in *P.Oxy*. XVI 1920, an Apion account of expenditure on officials dated prosopographically to the late sixth century, we find payment recorded 'to the men of the most magnificent *patricius* Athanasius who have come here from the Thebaid'.[59] Amongst those listed are a body described as the 'soldiers of the Scythians'.[60] The same unit appears in *P.Oxy*. XVI 2046, a similar document that also records payment to 'the *buccellarii* who have come here with the noble *tribunus* Oulior'.[61] That these *buccellarii* were under the command of a tribune has been used by Gascou to argue for the subordination of all Apion *buccellarii* to imperial control.[62]

Second, on the basis of *P.Oxy*. XVI 1903, it would seem that Germanic barbarians as well as 'native' Egyptians filled the ranks of the Apion *buccellari*.[63] The sense of an imperial force to which the Apiones were obliged to contribute both manpower and resources, but which the family did not retain *in toto* is thus perhaps reinforced, although it is worth bearing in mind in this context the family's strong connections with formerly Ostrogothic Italy and the Gothic *paidaria* and their families recorded on the estates in *PSI* VIII 953.[64]

Third, in *BGU* III 836 we possess a copy of a sixth-century petition addressed to the *praeses* of Arcadia by a unit of soldiers. The soldiers had arrived in the village of Kerke in order to collect the *annona* which they believed themselves to be owed. The villagers, however, had refused to pay, explaining that the '*buccellarii* of the glorious household of the patrician', whom Gascou quite reasonably takes to be a member of the Apion family, had already exacted payment from the village. The soldiers requested in the petition that the administrators of the 'glorious household' be informed that their *buccellarii* had no business in the village and no right to collect the *annona* from the villagers. The dispute with which the petition was concerned was one over spheres of authority; at no point in the, admittedly

[59] *P.Oxy*. XVI 1920, line 1: τοῖς ἀνθρ(ώποις) τοῦ ὑπερφυεστ(άτου) πατρικίου Ἀθανασίου ἐλθ(οῦσιν) ἐνταῦθ(α) ἀπὸ Θηβαείδος.

[60] Ibid. line 3: στρατιῶται τῶν Σκυθῶν.

[61] *P.Oxy*. XVI 2046, column I, line 1: τοῖς βουκελλαρ(ίοις) ἐλθ(οῦσιν) ἐνταῦθ(α) μετὰ τοῦ λαμπρο(τάτου) Οὐλιῶρ τριβοῦν(ου).

[62] Gascou 1976: 150–1.

[63] *P.Oxy*. XVI 1903 recording payments made to *buccellarii* (line 1) with names such as Tangila, Illerich, Ziper, Boraides the Bessian, and Zemarchus the Bessian (lines 6–9).

[64] *PSI* VIII 953, line 46 παιδαρ(ίοις) Γοτθ(οῖς) καὶ γυναιξ(ὶν).

fragmentary, papyrus is it claimed that the household had no general right to collect the *annona* for *buccellarii*.

To summarise the position so far: it is known that in late Roman law, at least up to the sixth century and possibly thereafter, landowners were obliged to provide both recruits and supplies for the imperial army: in the Apion archive we find evidence for supplies having been paid by the household to imperial troops; men-at-arms on the estate, referred to as *buccellarii*, are described by the same word as was used to describe certain bodies of troops in imperial service, and troops evidently in imperial service and styled *buccellarii* are recorded to have received payments from the Apion household. It is thus conceivable that all the *buccellarii* attested in the Apion archive were in imperial service.

It is worth pausing for a moment to consider, if this were the case, what such a position would have looked like from the perspective of the Apiones. As has been seen, acts of violence, both actual or threatened, were a common feature of social relations and provincial life, and great landowners would have found it to their advantage to have had at their disposal a body of armed retainers in order to protect their property and keep their labourers in check. Such retainers, however, were prohibited under imperial law. Yet the landowners found themselves having to find supplies for imperial troops stationed in their locality, some of whom the household may even have had to provide itself, nominating them from amongst its own dependants.

Such provincial troops, we learn from the legislation, were often chronically underemployed, their duties consisting of tasks of an essentially policing nature: the fending-off of brigands, the collection of taxes, as well, perhaps, as the occasional hunting trip.[65] The obvious solution to the needs of the great estate, on the one hand, and the underemployment of the military, on the other, would have been for provincially garrisoned soldiers to enter into the illicit service of the magnate household, with whom such of the troops as were local recruits may already have possessed strong ties of dependence.[66] It is precisely this that we find recorded in the legal and papyrological sources.[67]

[65] For the underemployment of soldiers and for hunting trips recorded in the Abbinaeus archive, see Whittaker 1993: 287. For the military history of Egypt in the sixth century, see Maspero 1912.

[66] Soldiers were legally prohibited from accepting employment of any sort – see *Digest* 49.16.12 and *Codex Iustinianus* 12.35.15.

[67] The 'part-time' private retaining of imperial troops in many ways would have been rather more convenient for landowners than constant maintenance. As E. P. Thompson reminds us 'Once a social system has become "set", it does not need to be endorsed daily by exhibitions of power . . . What matters more is a continuing theatrical style'; Thompson 1974: 389.

Within the Apion archive, there exist a number of *memoranda* and accounts concerning the issuing of supplies, typically wine or meat. In certain of these documents, as already noted, payments are recorded to have been made to individuals and groups styled either *buccellarii* or 'soldiers' (*stratiotai*). Frequently, these military men are described as either '*paramenontes toi endoxoi oikoi*' (παραμένοντες τῷ ἐνδόξῳ οἴκῳ) or '*tois paramenousi toi endoxoi oikoi*' ((τοῖς) παραμένουσι τῷ ἐνδόξῳ οἴκῳ) – 'in attendance upon' the glorious household.[68] Had such troops been officially 'stationed' on the estate in some capacity, one would expect a different participle to have been used, such as ἱδρυμένοι (*hidrymenoi*).[69] Rather, the Apion employees engaged in drafting these documents chose to use a verb – *parameno* (παραμένω) – which carried with it precise legal and contractual implications such as become apparent if we survey its historical usage.

The verb *parameno* is found in Homer to signify stalwartly standing fast in battle or standing one's ground in the face of adversity.[70] The same essentially military usage is found in a number of other classical authors such as Pindar and Xenophon.[71] In Pindar, however, the verb can be seen to acquire an abstract meaning, to describe, for example, how virtues or emotions adhere, how one may be emotionally or psychologically attached to something or someone, or the act of remaining at a task. In this abstract context the verb is found taking the dative case. It is in this sense that *parameno* is used by Paul in his epistle to the Philippians; 'And having this confidence, I know that I shall abide and continue with you' (καὶ τοῦτο πεποιθὼς οἶδα, ὅτι μενῶ καὶ παραμενῶ πᾶσιν ὑμῖν).[72]

In the writings of the orators of the fifth century BC, *parameno* is recorded in the legal context of obligatory attendance at a trial or in relation to questions of surety. It would appear to have been through development in the usage of the verb in this sense, perhaps under oriental influence, that we begin to find attested in the Hellenistic period an abstract noun derived from the verb. This noun – *paramone* (παραμονή) – is found in the legal context of a contractual service of attendance such as that owed

[68] For στρατιῶται παραμένοντες see *P.Oxy.* XVI 2013, 2014. For βουκελλάριοι see *PSI* VIII 953. Σύμμαχοι – armed local *gendarmes* – are described as παραμένουσι τῷ ἐνδόξῳ οἴκῳ in *P.Oxy.* XVI 2045, in which thirty-four such individuals are each credited with $\frac{1}{3}$ of a *solidus*. For σύμμαχοι in general, see Jördens 1986: 105–18.

[69] See, for example, *J.Edict* 13.22, line 26.

[70] See Samuel 1965: 221–311 – an excellent overview of the classical usage. For Homeric usage, see 229–30.

[71] Ibid. 230.

[72] Philippians 1.25.

to a former master by a manumitted slave.[73] The noun continued to be used in this legal sense throughout the Graeco-Roman period. As the legal connotations of the noun took shape, so too did the verb come to acquire ever greater legal content, such that contractual clauses establishing a duty of *paramone* came to be activated by the agreement of one of the parties concerned to *paramenein* (παραμένειν).

By the late Roman period, therefore, the noun *paramone* and its associated verbal form came to provide a legal instrument that was both flexible in usage yet highly specific in conceptual content. By virtue of its general contractual usage to establish an obligation of service and attendance, the *paramone* can be seen from the contracts of surety found within the Apion and related archives to have provided the primary contractual means by which the aristocratic households of late antique Egypt bound the *georgoi* to their estates.[74] For non-administrative employees, the *paramone* clause represented the archetypal contractual instrument used on the great estate. The same was true of the world beyond the great estate: Justinian's novel 14, for example, records that, just like the Apion *georgoi*, prostitutes in Constantinople were bound by a personal 'paramonar' contract between prostitute and brothel-keeper, reinforced by means of a contract of surety.[75] *Prima facie*, then, the description, of *buccellarii* or *stratiotai 'paramenontes toi endoxoi oikoi'* (παραμένοντες τῷ ἐνδόξῳ οἴκῳ) would suggest that such troops had established a private 'paramonar' contractual relationship with the Apion household.

This common-sensical reading of the papyri is confirmed by the legal sources. In the year 468, the Emperor Leo addressed a novel to his praetorian prefect claiming that landowners had been employing *buccellarii*, Isaurians, and bands of armed slaves on their estates.[76] This practice the emperor declared to be illegal, thus upholding the principles of the *Lex Iulia de Vi Publica seu Privata*.[77] That the legal scholars employed by the Emperor Justinian to compile the *Codex Iustinianus* should have chosen to include this constitution in the work would suggest that the practices that Leo had sought to outlaw were still current in the 530s. Certainly, in the year

[73] See Samuel 1965: 240–53. For possible oriental influences see Taubenschlag 1954: 169–86. For παραμονή and its relationship to surety of appearance at trial see La Rosa 1961: 67–74. For the relationship between the verb and the noun, see Samuel 1965: 254.

[74] As indeed was the case in relation to the estate workers known as the *metrematiaioi* found on the Appianus estate recorded in the Heroninos archive in the third century. As already seen, in terms of fiscal arrangements also, these workers can be seen as forerunners of the ἐναπόγραφοι γεωργοί of the sixth century. See Rathbone 1991: 116–20.

[75] *J.Nov.* 14 *proemium*, lines 13–16.

[76] *Codex Iustinianus* 9.12.10.

[77] See *Digest* 48.6.

536, when Justinian issued a constitution concerning the administration of Cappadocia, the emperor declared that he blushed to tell of how men-at-arms described as 'lance-bearers' or 'bodyguards' (*doryphoroi*) ministered unto the lawless magnates of the region.[78]

From the point of view of armed retainers on the Apion and analogous estates, however, by far the most illuminating piece of legislation is a novel concerning soldiers issued by Justinian in 542.[79] This rather short constitution was addressed to the praetorian prefect and makes no mention of any specific province – it would appear to have been meant, therefore, for general application.

The constitution opens with a general statement of how the emperor deemed the army to exist in order to restrain the impetuousness of the barbarians and to 'increase the state' – implying both territorial and pecuniary aggrandisement.[80] The novel then proceeds to explain that certain individuals had been daring to draw away soldiers and *foederati* from their duties, occupying such troops entirely with their own private business (*chreia*) and needs.[81] As we shall see shortly, the use of the word *chreia* in this context is highly informative. The emperor decreed that he had decided to prohibit such individuals from drawing to themselves or diverting troops, or, still more interestingly, having them in their household or on their property or estates.[82] Thus far in the constitution, the illicit relationship between soldiers and landowners prohibited by Justinian is described entirely from the landowner's perspective. The novel proceeds to announce that any individual who, after thirty days, continues to employ soldiers to meet his private needs and does not return them to their units will face confiscation of property.[83]

Justinian then goes on to decree what punishments soldiers will be liable to if they persist in private service. It is at this point that the relationship is presented from the point of view of the soldiers concerned: 'and those soldiers and *foederati* who remain in paramonar attendance upon them after

[78] *J.Nov.* 30.5.1: ἐρυθριῶμεν εἰπεῖν μεθ' ὅσης ἀλῶνται τῆς ἀτοπίας, καὶ ὡς δορυφόροι τε αὐτοὺς θεραπεύουσι.
[79] *J.Nov.* 116.
[80] *J.Nov.* 116 *proemium*: τούτων . . . συνισταμένων ἡ μὲν τῶν βαρβάρων προπέτεια χαλινοῦται, τὰ δὲ τῆς πολιτείας αὔξει πράγματα.
[81] Ibid.: ἐπεὶ οὖν τινες . . . τοὺς στρατιώτας καὶ φοιδεράτους . . . τολμῶσιν ὑποσύρειν καὶ εἰς ἰδιωτικὰς ἀπασχολεῖν χρείας.
[82] Ibid.: μηδένα τολμῆσαι στρατιώτην . . . ἢ φοιδεράτον ὑποσύρειν ἢ εἰς τὸν ἑαυτοῦ ἔχειν οἶκον ἢ εἰς τὰς ἰδίας ἔχειν κτήσεις.
[83] *J.Nov.* 116.1: αἱ μὲν αὐτῶν τῶν ἐχόντων αὐτοὺς ἢ κρατούντων οὐσίαι δημεύσει ὑποβληθεῖσαι τῷ δημοσίῳ προσκυρωθήσονται.

the set time will not only be deprived of their rank, but also undergo punishments up to and including capital punishment'.[84] The novel describes the soldiers illicitly engaged by private landowners and clarifies the nature of the relationship, with the phrase *hoi stratiotai toutois paramenontes* (οἱ στρατιῶται . . . τούτοις παραμένοντες) – 'those soldiers in paramonar attendance upon them': exactly the same formulation used to describe the relationship between the Apion household and men-at-arms in the documentary papyri.

That this precise terminological correspondence should be regarded as more than mere linguistic coincidence is suggested by a number of facts. First, that *parameno* is not being used in Justinian's constitution in the purely physical sense of 'remaining' – as an inflated equivalent to the verb *meno* (μένω) – is strongly implied by the fact that in the near contemporary Latin version of the novel found in the *Authenticum*, the verb is translated by *observo*, which conveys a strong sense of remaining in attendance as part of a duty;[85] hence its usage by Seneca to describe Cerberus' guarding of the entrance to Hades, or Cassiodorus' usage of *observatio* to denote a duty, office, or service.[86]

Second, the legal content of *parameno* as evidenced by the papyri is paralleled elsewhere in the *Corpus Iuris Civilis*. With the exception of Justinian's novel concerning soldiers, the verb is only attested in Justinian's legal works in two contexts: obligatory attendance at legal proceedings, and the legal obligation of priests to remain in service at their appointed churches.[87] It would be sensible to conclude that in Justinian's constitution concerning soldiers the verb was deployed with an equally precise legal meaning in mind.

The most significant piece of evidence, however, which enables us further to draw together the testimony of Justinian's novel and the Egyptian papyri, is a *scholion* found in the *Basilica*, the middle-Byzantine reworking of Justinian's codification. The *scholion* in question is a commentary on the translation of *Codex Iustinianus* 11.12.10 – the novel of 468 of the emperor Leo concerning the illegal employment of *buccellarii* examined above. It explains that *buccellarii* were soldiers in 'paramonar' attendance (*paramenontes stratiotai*); that the term was derived from the word *bucca*,

[84] Ibid.: οἱ δὲ στρατιῶται καὶ φοιδεράτοι, οἱ τούτοις μετὰ τὴν προθεσμίαν παραμένοντες οὐ μόνον τῆς ζώνης ἀφαιρεθήσονται, ἀλλὰ καὶ τὰς εἰς ἔσχατον ὑπομενοῦσι τιμωρίας.

[85] Ibid.: 'milites vero et foederati qui eis post dilationem observaverint . . .' For the *Authenticum* see Künkel 1973: 175–6.

[86] Seneca, *Hippolytus* 223. For Cassiodorus, see Souter 1949: 272.

[87] For legal proceedings, see *Codex Iustinianus* 2.2.4, *J.Nov.* 112. For priests, see *J.Nov.* 123.18.

meaning bread; and that such soldiers were called *buccellarii* by virtue of their having agreed to serve someone in return for having eaten his bread.[88] In the context of illegal relations between landowners and armed retainers, the armed retainers concerned are yet again described as *paramenontes*. The *scholion* confirms that *parameno* was read to imply a contractual relationship and further implies that such a relationship was deemed to have been established between landowners and members of the military. The *scholion* itself may well derive from a late antique commentary.[89]

The exact correspondence of vocabulary between the scholiast, the constitution of 542, and the Apion papyri is striking. Taken together, they suggest that the *buccellarii* and the *stratiotai paramenontes* recorded in the Apion archive were at least in part imperial troops engaged by the magnate household as armed indentured retainers. The provisions contained in the constitution of 542 and the commentary to the *Basilica* further establish that such a relationship was illegal.

This interpretation of the *buccellarii* as imperial troops employed by the Apion household for its own illicit purposes is confirmed if we take a closer look at the payments made to the soldiers and their distribution across the estates. As was noted by Hardy, with the exception of the large military forces commanded by *tribuni* with which the household had dealings, the men-at arms recorded in the Apion archive tended to consist of small detachments widely dispersed.[90] This pattern ties in with the picture emergent from the imperial legislation concerning the illegal employment of soldiers and *buccellarii*. Thus Leo wrote of the punishments which would be incurred 'if anyone were tempted to have either *buccellarii* or Isaurians on their estates or in their entourage'; likewise, Justinian warned that 'none should dare to draw away soldiers or *foederati* and keep them in their household or on their private estates'.[91]

Similarly, several of the payments to such troops recorded in the papyri are explicitly described as having been made in return for their assistance in

[88] *Basilicorum Libri LX Series B Volumen IX – Scholia In Librum LX, 17–69* 18.29, scholion 3: Βουκελλάριοι λέγονται οἱ παραμένοντες στρατιῶται. ἐκ δὲ τοῦ βούκα ὀνόματος, ὅ ἐστιν ὁ ἄρτος, ἐκλήθησαν βουκελλάριοι οἱ τὸν ἄρτον τινὸς ἐσθίοντες ἐπ᾽ αὐτῷ τούτῳ τῷ παραμένειν αὐτῷ.

[89] As with the translations of the texts themselves, the *scholia* contained within the *Basilica* are frequently derived from sixth- and seventh-century authors such as Thalelaeus of Berytus. The authorship and thus approximate date of composition of this *scholion*, however, is not indicated.

[90] See Hardy 1931: 63, where he cites the particularly informative *P.Oxy*. XVI 1839, in which the προνοητής is instructed πέμψον δὲ εὐθέως διὰ τῆς σήμερον [ἡμέρας Ἰω]άννης καὶ Παρσάκις μετὰ τῶν σπαθίω[ν] αὐτῶν καὶ σκουταρίων (lines 1–4).

[91] *Codex Iustinianus* 9.12.10: 'si quis . . . seu buccellarios seu Isauros in suis praediis aut iuxta se habere temptaverit'; see also n. 82 above.

private estate business. This is at its most evident in *P.Oxy*. XXVII 2480, a lengthy and detailed wine account dating from 565–6. In the course of this document we find a number of payments made to members of the military on account of the assistance provided by them along with their *tribunus* in the collection of taxes or the regulation of tax districts.[92] As pagarch, the head of the Apion family was presumably entitled to request military aid for fiscal purposes, a practice for which there were certainly third-century precedents.[93] Alongside these apparently legitimate payments, however, we find others made to detachments of *buccellarii* commanded by estate officials. Thus payments were made to 'the twenty-seven *buccellarii* of Cynopolis and to Theodorus *meizoteros*' or to 'the *buccellarii* who came here with the most glorious *antigeouchos*'.[94] Most significantly of all, on two occasions payments are explicitly made to troops who 'have come here on the landowner's business' (*geouchikes chreias*).[95]

According to Gascou, in this context *chreia* (χρεία) should be read to mean an 'official requisition'.[96] But this is perhaps to push the Greek a little far. The most natural reading is that the troops were being used for the private affairs of the estate. Again, we should note the close verbal parallels between the language of the papyri and that of the imperial legislation – Justinian prohibiting the use of soldiers by landowners *eis idiotikas chreias* (εἰς ἰδιωτικὰς χρείας) 'for their private business' or 'their private requirements'.[97] In many ways, then, *P.Oxy*. XXVII 2480 encapsulates the nature of the relationship between the Apion household and local detachments of the imperial army, with payments for what would appear to have been both legal and illegal services recorded side by side.

At the heart of the relationship between the Apion *buccellarii* and the magnate household, we can identify a fundamental paradox that partly helps to explain Gascou's misinterpretation of the tie between soldier and

[92] *P.Oxy*. XXVII 2480, line 29 Θεοδώρῳ τριβούν(ῳ) καὶ τοῖς ι βουκκελλαρ(ίοις); line 35 τοῖς βουκκελλαρ(ίοις) σὺν τῷ τριβούν(ῳ) . . . πρὸς ἐξάνυσιν τῶν δημοσί(ων).

[93] See Rathbone 1991: 21–2. For the fourth century, *P.Oxy*. XLVIII 3400 (*c*. 359–65) provides a fascinating example of both the usage of troops for such purposes and the 'passive resistance' of village communities: an estate employee by the name of Papnuthis writes in the papyrus to his γεοῦχος detailing the difficulties he had faced in attempting to collect taxes from the village of Berky; the grain that Papnuthis was to collect had been mixed with barley, the receiving-measure with which the villagers provided him was of the wrong size although they insisted that it held the same quantity as the public *cancellus*, whilst both of the two villagers whose responsibility it was to help him were refusing to do so. In his letter, Papnuthis drew his employer's attention to the fact that a *praepositus* collecting taxes with the aid of some soldiers was having no such problems, and enquired of his lord whether he should follow the official's example (lines 1–24).

[94] *P.Oxy*. XXVII 2480, line 3 Θεοδώρῳ μειζοτέρ(ῳ); line 55 μετὰ τοῦ ἐνδοξ(οτάτου) ἀντιγεούχου.

[95] E.g. ibid. lines 3–4: ἐλθ(οῦσιν) ἐνταῦθα γεουχικ(ῆς) χρεί(ας).

[96] See Gascou 1976: 150.

[97] *J.Nov*. 116 *proemium*, line 10.

landowner. That is to say, a legal terminology and – contractually – a legal form were used to establish a fundamentally illegal relationship. But perhaps this simply reminds us yet again of the highly legalistic and formalised character of social relations in the late antique east. In *P.Oxy*. I 125, for example, we possess a contract drawn up between two parties aimed at circumventing the imperial injunction that those who collected taxes bore personal liability for them.[98] In *P.Oxy*. I 136 the contracting parties agreed to ignore in their agreement the implications of a recent imperial constitution, whilst, as seen earlier, written contracts and sureties served as the basis of the illegal relationship between pimps and prostitutes in sixth-century Constantinople.[99] Highly legalistic private arrangements appear to have been used repeatedly to undermine imperial law. Indeed, in a symbolic sense, written legal instrument and legal 'form' may have been used by employers and great landowners, such as the Apiones, to cajole and intimidate their (presumably often illiterate) peasants, tenants, and employees. But by concentrating entirely on form rather than content, and the terminological origin rather than social character of the arrangements recorded in the papyri, Gascou snares himself in a hermeneutic trap from which he cannot escape.

Amongst the *buccellarii* recorded in the Apion archive were illegally retained imperial troops. It is also likely that there existed other armed retainers recruited rather more locally – the equivalent of the 'armed slaves' or *servi armati* recorded in Leo's constitution and such as are almost certainly attested in *P.Oxy*. I 156, in which the *antigeouchos* Theodore writes to two *chartoularioi*: 'Please appoint Abraham and Nicetas, the letter-carriers, *buccellarii* from the beginning of the month of Pharmouthi, and pay them their allowance of corn, for you know that we require *buccellarii*. Be sure to do this without delay.'[100] As with the economic characteristics of the Apion household, this aspect of social relations on the Apion estates was replicated elsewhere in Egypt, and, as we can see through the legislation, throughout the empire. As already noted, the Aphrodito papyri record the apparently illegal deployment of *buccellarii* against Dioscorus and his neighbours, as also against the inhabitants of Ombi. Likewise, beyond Egypt, the practice of landowners maintaining private armies is recorded well after Justinian's legislation on the subject.[101]

Although, on a legal level, the imperial authorities responded to this development with unremitting hostility, it would seem that such laws as

[98] *P.Oxy*. I 125 – AD 560.

[99] *P.Oxy*. I 136 – AD 583; the constitution referred to is unknown.

[100] *P.Oxy*. I 156, lines 1–4.

[101] See Whitby 1995: 116–19.

were promulgated on the subject of private armed retainers were of little effect. In practice emperors and officials were obliged to take a somewhat more liberal view of such illegal arrangements than the strict letter of the law demanded. Towards the end of Justinian's reign, for example, the large and small landowners of Hadrianopolis in Honorias were informed that no individual was to keep more than five armed men in his retinue, whereas previously ten had been permitted.[102] Moreover, as in the fourth century, at moments of pressing military need or political crisis, emperors remained willing to turn a blind eye to the demands of the *Lex Iulia*. As Whitby has written: 'in 528 Justinian dispatched senators to defend various eastern cities "with their forces", a vague term that might indicate personal retinues, and in 532 there is a clearer exploitation of senatorial bodyguards on the final day of the Nika Riot when Justinian instructed senators in the palace to depart to guard their own houses'.[103]

Such pragmatic accommodation to the realities of political life would have been a necessary part of effective imperial government, indeed, increasingly so the more prominent aristocratic households such as that of the Apion family became.[104] We should not, however, confuse such pragmatic accommodation with indifference on the part of the imperial authorities. Nor should we lose sight of the underlying social dynamic that the phenomenon of the *buccellarii* reveals.

From the imperial perspective, the deleterious nature of the evolution in social relations embodied in such arrangements between magnate *geouchoi* and armed retainers may be illustrated by casting our eyes briefly over contemporaneous developments in the west, where effective imperial authority had long since atrophied. In the Visigothic kingdom of the late fifth century, the legal advisers in the entourage of King Euric felt it necessary to include in the legal code they were compiling a set of regulations concerning the obligations owed to a lord – a *patronus* – by free men who agreed to serve as his military retainers. These men-at-arms the *Codex Euricianus* described as *buccellarii* and decreed that if their *patronus* gave them arms or any gift whatsoever, they were to 'remain in his service' ('aput ipsum . . . permaneant').

[102] Ibid.: 117 and Feissel and Kaygusuz 1985: 397–415.

[103] Whitby 1995: 117.

[104] The Apiones, as seen in chapter one, were closely associated with the Justinianic regime; thus for them to maintain private armed retainers illegally was perhaps of no concern to the imperial authorities. To take a medieval analogy, it may have been that, as with Edward IV's statute of 1468 concerning livery and retaining, Justinian's legislation concerning the private employment of soldiers was never meant to be enforced against those whose loyalty or co-operation was not in doubt. See Bean 1989: 211–26: one of Edward IV's principal supporters, William, Lord Hastings, continued to retain on a large scale irrespective of the King's prohibitions against such behaviour. It would appear that Edward passed his statute with particular 'over mighty' subjects in mind, such as Richard, Earl of Warwick.

If, however, such *buccellarii* wished to pledge themselves ('se commendare') to a different *patronus*, as free men, they were entitled to do so, so long as they made recompense to their initial master.[105] We are thus presented with a phenomenon very similar in terminological respects to that recorded for Egypt, and evidently derived from a common late Roman practice. The great difference between Egypt and the Visigothic kingdom, however, is that in the latter, in the absence of imperial prohibition, the relationship had come to be regarded as legitimate. The feudal tendencies evident in the tie between *buccellarius* and *patronus*, the extent to which it was coming to approximate that between lord and vassal, is suggested by the fact that when the passage from the *Codex Euricianus* appeared in the seventh-century *Lex Visigothorum*, it had undergone subtle emendation, such that the phrase 'si quis buccellario arma dederit' ('if someone gives arms to a *buccellarius*') had been replaced by 'si quis ei, quem in patrocinio habuerit, arma dederit' ('if someone gives arms to one whom he holds in patronage').[106] As memory of the historical significance of the word *buccellarius* faded away, the social character of the institution came to the fore.

CONCLUSION

Be it in relation to *coloni adscripticii*, *autopragia*, the pagarchy, or *buccellarii*, a common theme can be seen to emerge. In each instance, as Rémondon noted of *autopragia*, we see landowners entering into private arrangements, many of which elicited the hostility of the state. In each instance, however, the state ultimately sought to accommodate itself to the realities of social conditions on the ground. The crucial point is that it was the state that was obliged to accommodate the ambitions of landowners rather than vice versa. On each and every occasion the great landowners benefited. The legal institution of the adscript colonate and of *autopragia* tightened the landowner's control over his resident labourers. Landowners who became pagarchs and *vindices* acquired greater authority over those who were not already their direct social and economic dependants. The disadvantages of having to subvent imperial troops were more than made up for by the opportunities to suborn them. Every accommodation on the part of the state bolstered the local authority of the great landowner. Every accommodation made the state more dependent upon him. This had potentially far-reaching implications. We should note that many of the (especially Apion) papyri from

[105] *Codex Euricianus* fragment CCCX, in *Leges Visigothorum*.
[106] Ibid. *Lex Visigothorum* 5.3.1 (*De Patronorum Donationibus*).

which Gascou derived his model date from the late sixth and early seventh centuries. Gascou's great contribution was to emphasise how difficult it was, in the world recorded by those papyri, to differentiate between the private activities of the great estate and the workings of the imperial government. But this was not because the great estate was becoming a 'semi-public' institution but, rather, because the state was becoming a 'semi-private' one.

CHAPTER 10

The rise of the great estate

INTRODUCTION

In chapter nine we have seen that the nature of relations between the owners of great estates and their workforce, as recorded in the laws and the papyri, was shaped primarily by private economic and contractual arrangements that developed autonomously at the grassroots of provincial society. The imperial authorities ultimately accommodated themselves to these arrangements, seeking to regulate them through legislation on *coloni* and *autopragia*, just as practices negotiated between aristocratic households and civic *curiae* were institutionalised from the fifth century through the emergence of the offices of pagarch and *vindex*. Similarly, the socially highly significant relationship between magnate households and bodies of armed retainers resulted from illicit, private arrangements, which emperors may have been obliged at times effectively to ignore, but against which they repeatedly legislated. These accommodations of the fourth to sixth centuries identify the period as having witnessed a major restructuring of agrarian social relations, one that resulted in the emergence of great estates throughout the Eastern Empire. But the process by which these estates expanded and developed invites more detailed examination.

THE ORIGINS OF THE EGYPTIAN GREAT ESTATE

As in all class-based societies, life in Roman Egypt had always been characterised by certain disparities of wealth, and, as we have seen, as early as the mid third century, the so-called 'Heroninos archive', along with related dossiers, reveals the existence of a number of directly managed large estates. In many ways, these estates bear close resemblance to those of the Apion family some three hundred years later. The Appianus estate, for example, possessed a central bureau in the nome capital of Arsinoe from which labour and supplies were directed between specialised agricultural units, whilst,

as noted in chapter eight, the estate's workers were frequently housed in labour barracks styled *epoikia*.[1]

The social and economic influence of landowners such as Appianus would appear to have been bolstered at the very beginning of the third century by the widespread introduction throughout Egypt of municipal-style government on the traditional Graeco-Roman model. As Bowman and Rathbone have noted: 'the watershed was the year 200/1 when Septimius Severus granted a *boule* (a city council) not only to Alexandria but also to each *metropolis* . . . By the mid-third century the metropolite *boulai* and their officers were being given greater responsibility for the administration of their nomes.'[2] This closer involvement of the elite of local land-owning society in the fiscal and administrative life of the regions in which they lived provided them with the opportunity to entrench and extend their private economic interests through deploying their imperial connections and affinities against their neighbours and social inferiors.[3]

What impact the political and military upheavals of the mid-to-late third century had on the emergent curial elite of Egypt is far from clear. The town councillors of Oxyrhynchus would not appear to have suffered much by way of economic hardship during this period, continuing to adorn their city with civic monuments. On the other hand, in the Arsinoite, the descendants of Appianus may have been rather less fortunate: sometime before 288/9 the family's holdings were apparently confiscated by the imperial authorities.[4] The reasons for this confiscation are not known, but it would be reasonable to suppose that the ultimate fortunes of individual families would have varied according to their respective involvement in the factional disputes of the day. Though there were undoubtedly families that suffered,

[1] Rathbone 1991: 4–5 and 14–15. The similarities are most apparent in accounting technique and above all the organisation of labour – see 182–3: 'Although it can be no more than a conjecture, I suggest that the *epoikiotai* on the Appianus estate were tenants of estate *kellai* in their *epoikia* whose contract included an obligation to work for the estate for a set number of days each year . . . Most of the agricultural land on the Appianus estate appears to have been worked directly . . .' For accounting and credit arrangements, see 397–8.

[2] Bowman and Rathbone 1992: 107–27. Note also Bagnall's comments on this development: 'The well-off landed class, now quite well-developed, was turned into the basis for a full-fledged city government . . . Septimius Severus's act of 201 was not exactly a disinterested act of benevolence to the Greeks of Egypt, for it made far easier what the Romans had been trying to do for the past century, namely to make the local property-owning class responsible for the orderly and complete collection of the taxes owed to the central government'; Bagnall 1993: 55.

[3] Thus see Rathbone 1991: 18, where he writes of the landowner Alypios – '(he) could send soldiers to enforce his orders . . . by virtue of holding an imperial position'. Rathbone also notes that the social authority of his landowners would have been bolstered by the fact that many of those employed as administrators on the Appianus estate were themselves members of the Arsinoite bouleutic elite; see 70.

[4] See Rathbone 1991: 44–58.

if anything, it is likely that the upper echelons of provincial land-owning society in Egypt emerged from the period of crisis with their economic and social position at least intact, and possibly slightly enhanced, their (when necessary) potentially autarkic estates offering such families some refuge against the ravages of economic uncertainty and inflation which would not have been available to smaller-scale landowners.

Certainly, by the mid fourth century, the fiscal land-lists preserved for Hermopolis reveal the existence of a dominant stratum within local civic land-owning society, the members of which far outstripped in terms of landed wealth their fellow *curiales*.[5] As Bagnall has written:

> the concentration (of landed wealth) among Hermopolites is striking. And to it must be added the interrelatedness of the wealthy. In Hermopolis, for example, it appears that 38.8 per cent of the *total* land (owned by city-dwellers) is owned by six members of a single family, and another 17.5 per cent is owned by two additional families.[6]

A similar concentration of landed wealth has been inferred by Rowlandson for fourth-century Oxyrhynchus.[7] The emergence of this dominant cohort of landowners amongst the ranks of the fourth-century *curiales* is mirrored in the appearance in the papyri of individuals of influence and prestige styled *propoliteuomenoi*.[8] As Bagnall has suggested, it is likely that during the course of the fourth century this 'inner-circle' of landowners came to exercise ever greater authority within the city councils, thus, in a sense, foreshadowing the emergence of the pagarchy.[9] At the same time, Diocletian's reorganisation of Egypt *c*. 307/8 – subdividing the nomes into smaller and more tightly administered *pagi* – further strengthened the administrative hold of the civic elites over the countryside.[10]

By the mid fourth century, therefore, it would seem that Egyptian provincial society was slowly coming to be dominated by a highly select body of landowners. A gradual process of concentration of landed wealth was also taking place.[11] This trajectory was fuelled partly by the ongoing 'privatisation' and standardisation of the ancient Ptolemaic land-categories, a process

[5] See Bowman 1985: 137–63 and Bagnall 1992: 128–49.
[6] Bagnall 1993: 69.
[7] Rowlandson 1996: 278 and 283, where she writes of a 'polarization' of wealth.
[8] Bowman 1971 and Geremek 1981: 231–47.
[9] Bagnall 1993: 61. 'The council itself can be seen in lively existence as late as 370, and it is likely enough that only the lack of evidence masks its continued activity thereafter, even to the seventh century. It may be true, however, that emphasis shifts away from the council *per se* to the class of *curiales* . . . Within that curial class develops also an inner circle, the group described as the *propoliteuomenoi*, probably rendering the Latin *principales* . . . it appears to be a formal status.' The identification of *propoliteuomenoi* with *principales* was first convincingly advanced by Bowman 1971: 155–8.
[10] See Bowman 1990: 81.
[11] Rowlandson 1996: 281 – Rowlandson's emphasis is on 'gradual'.

in effect complete by the end of the fourth century, but also, it might be suggested, by the ever tighter administrative grip of *polis* over *choria*.[12] The new arrangements suited the fiscal ambitions of the Roman state, but they also served the economic ambitions of the landed elite. Although it may be the case, as Bowman has argued, that the concentration of landed wealth recorded for Hermopolis in the mid fourth century was not so strikingly different to the distribution 'found among private landowners at Philadelphia in the Fayyum over a century earlier', the significant point is that, as a result of the reforms of Septimius Severus and Diocletian, those who dominated provincial society in Egypt *c.* 350 exercised a degree of authority and control over the countryside that their forebears had been denied.[13]

That having been said, whilst we should pay close attention to the social and political authority of the *propoliteuomenoi* of the mid fourth century, and the economic superiority of this body over their fellow *curiales*, we should not overstate the extent of this class's direct economic dominance of provincial society. The figures for mid-fourth-century Hermopolis would suggest that a majority of the land around the city was not owned by *curiales* of any type whatsoever, but by villagers.[14] Moreover, although directly managed great estates certainly existed, the civic elites of fourth-century Egypt would appear to have been far more reliant than their sixth-century counterparts on the leasing out of land. With the exception of Alexandrian councillors such as Appianus, they were still less likely to own property beyond the *territorium* of their native city.[15]

From the mid fourth century onwards, however, the papyrological evidence would suggest that the direct management of estates became considerably more common, indicating a fundamental restructuring of agrarian social conditions and a greater predominance of large estates. The process of estate expansion would appear to have been quickening. This is especially evident from the toponymic record from the Oxyrhynchite, by far the best-documented region for late Roman Egypt, where, from the late fourth century onwards, the word for village proper (*kome*) came increasingly to be replaced with the terms most commonly associated with the

[12] Ibid. chapter II and 282–3 for developments with relation to 'public' land.

[13] Bowman 1985: 155.

[14] Bagnall 1992: 142 estimates that only some 25–30 per cent of the total land around Hermopolis was owned by Hermopolite landowners – less than was owned around Oxyrhynchus in the sixth century by the Apion family alone.

[15] Thus Rowlandson 1996: 284 has demonstrated that the elite of Oxyrhynchus for the first centuries AD was primarily reliant on the leasing out of land – their fortunes resting on 'the fragile relationship which these landowners had with their small-scale but relatively independent tenants'. Similarly Banaji 2001: 101–15 has noted the greater dependence on leasing and the territorially more circumscribed nature of non-Alexandrian elite landholdings in Egypt for the period from AD 200–400.

labour settlements of the great estates: *epoikion* and *chorion*.[16] Likewise, in the papyrological record, the types of documentation most commonly associated with directly managed large estates, such as estate accounts, become proportionally more significant as we enter the fifth century, whilst leases can be seen to decline in incidence.[17]

The prosopographical testimony of the papyri would further suggest that not only were the scale and structure of elite landholdings undergoing a transformation during the fourth and fifth centuries, but so too was the social character of those owning the land. Soon after Constantine's defeat of Licinius in 324 we begin to find mention in the papyrological sources of individuals holding imperial civil and military office bearing the name *Flavius* – the principal *gentilicium*, or family name, of the Emperor Constantine. This title was apparently adopted by them upon their entry into imperial service.[18] As the fourth century progressed, these *Flavii* can increasingly be seen to have come to dominate the higher echelons of imperial and civic government.[19] Concomitantly, they appear to have emerged to the fore of local landed society.[20] To Banaji, this phenomenon can be seen to have represented part of a process whereby a 'bureaucratic elite was consolidating its social dominance'.[21] It is a development that we can see neatly encapsulated in the rise of the Apion family. From a fifth-century background in imperial service, associated with the management of imperial estates in the vicinity of their native *polis* of Oxyrhynchus, members of the family can be traced through to the sixth century and thereafter, holding some of the highest offices the empire had to offer, whilst the family's own properties expanded and developed in the Oxyrhynchite and beyond. The Apion family was the embodiment of the emergent land-owning aristocracy of service of late Roman Egypt.

ELITE FORMATION, ESTATE FORMATION, AND ARISTOCRATIC PATRONAGE

It is important to appreciate that this process of elite formation, the emergence of this new service aristocracy, was not limited to Egypt. Rather, the fourth century witnessed a transformation in the character of the provincial and senatorial elites of the Eastern Empire at large. This transformation was the result of two distinct processes that coalesced in the late fourth century.

[16] Pruneti 1981: 10–11. For *chorion* as an equivalent to *epoikion* see *P.Bad.* IV 95 and Banaji 2001: 175.
[17] Rowlandson 1996: 281 and 284. [18] Keenan 1973: 37–40. [19] Ibid. 47.
[20] Keenan 1974: 285. [21] Banaji 2001: 118.

Although these processes undoubtedly favoured certain 'new men', especially those engaged in military careers, it was above all the leading families within the provincial *curiae* of the east that derived the greatest benefit, the so-called *principales* of the imperial law codes, who as early as 328 we find described as constituting a privileged inner circle within the city councils of the empire. They were the imperial equivalents of the *propoliteuomenoi* of the Egyptian papyri.[22]

The first and most important of these processes was the dramatic expansion in the late empire in the number of well-remunerated, centrally appointed military and bureaucratic posts occasioned by the so-called 'Diocletianic' reforms of the late third and early fourth centuries.[23] This expansion in the imperial bureaucracy opened up new and much sought-after opportunities to those members of the provincial *curiae* wealthy enough to afford the education required for entry into imperial service.[24] Inevitably, *principales* are likely to have been in the strongest position to benefit from this development, although most curial families could probably scrape together enough money to educate adequately at least some of their sons. The 'special relationship' with the imperial authorities that the holders of these new posts enjoyed bolstered their already formidable resources of patronage, authority, and prestige, thereby permitting them to begin to extend and consolidate their hold on local society.[25]

The second development of significance to social relations in the east was the foundation and growth of the senate of Constantinople. The creation and expansion of the eastern senatorial order by Constantine and his fourth-century heirs was part of what has been described as an attempted 'broader mobilisation of political manpower' on the part of a new dynasty, aimed at '(generating) from scratch sufficient support to create a working governmental machine in the eastern Mediterranean'.[26] Once again, the mainstay of those elevated to the senatorial order in the east seem to have been drawn from 'the old wealth of the Mediterranean world: the richer elements of the curial class'.[27] Membership of the eastern senate was increasingly opened up to a wide range of imperial civil and military officials: that is to say, to members of the newly expanded imperial bureaucracy.[28] Although many of those who made up this new senatorial elite necessarily focused their ambitions on Constantinople, most, as we have seen, were obliged by the imperial authorities to maintain a certain level of involvement in the civic councils of their native *poleis*, and they thus came

22 de Ste Croix 1981: 471–2. 23 See Williams 1985. 24 See Kaster 1988.
25 Heather 1994: 11–44. 26 Ibid. 12 and 16. 27 Ibid. 17. 28 Ibid. 12.

to form a real and effective point of contact between provincial society and the imperial centre.[29]

Accordingly, the fourth century saw the emergence in the eastern Mediterranean of a new imperial service aristocracy, the leading members of which were enrolled into the senatorial order. Members of this new class are recorded in the sources as figures of extraordinary influence and power not only at court but also in the localities of the empire.[30] In particular, from the mid fourth century onwards, the legal sources bear witness to the process whereby, not only in Egypt but throughout the Eastern Empire, the wealthier and more powerful members of this new elite forced aside their social competitors and won mastery of local landed society, restructuring agrarian social relations after the manner recorded in the Egyptian papyri. This is at its most evident from the imperial constitutions on agrarian patronage (*de patrociniis vicorum*) recorded in the Theodosian and Justinianic Codes.

Patronage – the deployment of the influence of the more powerful members of society to the benefit or disadvantage of their social inferiors – was, of course, a basic fact of life in the Roman world. In many ways it was regarded as a positive social good, providing a structure and cohesion to social relations that bound together otherwise divergent and potentially conflicting classes.[31] In his forty-seventh oration, the Antiochene Libanius enumerated the benefits that peasants might derive from the support of a local landowner: he could help them invest in irrigational machinery; he could write off their debts; he could settle disputes between them.[32] From an imperial perspective, none of this could occasion complaint. Essentially, the position of the imperial authorities was that patronage of the weak by the powerful was perfectly legitimate so long as it did not involve the breaking of imperial law or the destabilising of local society. As Libanius declared: 'Well, I may be asked on behalf of the agricultural labourers, are they not to be allowed to get help for themselves? Certainly, would be my reply, provided it is not illegal, and certainly none that is pernicious.'[33]

From the mid fourth century onwards, however, we begin to find evidence for growing imperial concern at the fiscal implications for the Roman

[29] Ibid. 26. See also Zuckerman 1998: 79–140. [30] Heather 1994: 27–8.

[31] See Brown 1988: 79. Patronage and clientage tend to be seen in a similarly restraining 'functionalist' manner by many anthropologists – see the comments of John Davis: 'In essence, patron-clientage is a dynamic and personal relationship in which clients acknowledge the dominance of a patron, and then try to restrain him with social ties. Some are successful to a limited extent'; Davis 1992: 62.

[32] Libanius, *Oratio* 47.22–4. Libanius further alludes to notables' subventing the religious activities of the peasantry.

[33] Libanius, *Oratio* 47.19: ἐρήσεται τοίνυν μέ τις ὑπὲρ τῶν γεωργῶν εἰ μὴ ἐξέσται βοηθείας ἑαυτοῖς πορίζειν. τὰς μὲν οὐκ ἀδίκους φαίην ἄν, τὰς δὲ κακὰς οὐδαμῶς.

state of the burgeoning powers of patronage enjoyed by members of the new imperial aristocracy of service. Members of the new elite, by virtue of their dual social identity as both representatives of central imperial government and figures of authority and prestige in local landed and civic society in their own right, were coming to play a pivotal role in the administration of the empire. Nowhere was this clearer than in relation to the collection of the imperial taxes on which the state was dependent for its very existence. Holders of senatorial rank gradually acquired a range of duties with respect to the smooth running of the fiscal system, duties which, as ever, were potentially to their great advantage. As Heather has noted:

> Amongst other things, (they) were responsible for auditing their local curias and, probably most important of all, for tax equalizations, when tax assessments were adjusted to take account of population and other changes. The *de facto* power generated by the ability to influence one's neighbours' tax assessment can hardly be overstated; as St Basil of Caesarea put it, control of the tax census gave a man the opportunity to benefit his friends, harm his enemies, and generally make a lot of money.[34]

For the hard-pressed rural communities and peasant families of the empire on whose shoulders the bulk of the land tax – the main source of imperial fiscal income – rested, the social implications of such arrangements were clear. In order to lessen or escape the fiscal burdens to which they were liable, they needed to acquire for themselves the patronage of a leading local magnate, a member of the imperial aristocracy, who alone possessed the authority and power required to lighten their load. From the perspective of the aristocrats themselves, this situation offered the chance to expand their own reserves of land and labour, either by drawing onto their estates such clients as they attracted, or by incorporating into their existing properties the smallholdings of a patronage-hungry peasantry.

The imperial legislation on agrarian patronage records that, as a result, powerful local patrons holding imperial office began to enter into agreements with individual peasants and rural communities. The patron either agreed to intercede with the imperial authorities to negotiate a lower rate of taxation for his clients or instead would pay on his clients' behalf. From such initial arrangements, a further, related, practice developed. The patron and client would conspire to pretend through 'colourable transfer' that the local potentate, rather than the peasant, was the legal owner of the land on which the taxes were due. In the short term this provided the client with the means of escaping the land tax, whilst in the medium term it enabled the

[34] Heather 1994: 28.

patron to extend his own estates, by turning a fictional transfer of property into an actual one.[35]

The second form of agrarian patronage recorded in the legislation consisted of the flight of individual peasants and their families onto the estates of a local patron, and the peasants' subsequent abandonment of the taxes and liturgical duties owed to his former fiscal community or *origo*. Both of these practices were deemed by the imperial authorities to potentially undermine the fiscal system. The first form of patronage had the effect of transferring land into the hands of a powerful local figure better placed by virtue of his connections, influence, and authority, to evade taxation than was a lesser landowner. Moreover, even if the patron paid the taxes due on his newly acquired lands, if he held senatorial rank, he is likely to have done so at a lower rate than did his more humble neighbours.[36] Either way, the net result would have been a diminution in imperial revenue. The second form of patronage, associated with the abandonment of land, necessitated the reallocation of fiscal and liturgical obligations amongst those members of the fugitive's village or fiscal community who had not fled. This increased the burden on those left behind and intensified the pressure on the remaining inhabitants of the village either to take flight themselves, or for the community as a whole simply to hand itself over to a local great landowner.

It should be noted that much of the extant legislation on agrarian patronage contained within the *Codex Theodosianus* refers explicitly to conditions within Egypt. That is not to say, however, that the problem was either limited to Egypt or unusually severe there. Rather, there are other, slightly more complicated, reasons for the prominence of the Egyptian constitutions. First, as seen in chapter one, Egypt played a uniquely important role in the fiscal framework of the Roman state, furnishing the corn supply on which the imperial capital of Constantinople as well as a number of other eastern cities were dependent. As a result, as de Zulueta noted, 'its disorders were of the first importance'.[37]

Second, with very few exceptions, laws contained within the *Codex Theodosianus*, irrespective of to whom they were initially issued, were meant to be of general application: *Codex Theodosianus* 1.1.5, for example, describes them as 'all the constitutions . . . which rest upon the force of edicts or imperial law of general force'.[38] As Honoré has noted: 'A western law of

[35] By far the best discussion of this remains de Zulueta 1909: 3–78.
[36] See Heather 1994: 27. [37] de Zulueta 1909: 6.
[38] *Codex Theodosianus* 1.1.5: 'cunctas constitutiones . . . edictorum viribus aut sacra generalitate subnixas'.

426 . . . tries to define general laws (*C.J.* I.14.3). They consist of speeches to the senate and edicts together with those described in general or published in every province, or which, though dealing with a specific case, are intended to apply in all like cases in the future.'[39]

Third, the presence within the *Codex* of laws addressed to individual governors, or concerning individual provinces, must be understood in the broader context of the method of compilation adopted by the law commissioners. For laws issued after 398, the commissioners would appear to have been content to limit themselves to legal texts preserved archivally in Constantinople. For laws issued before that date, however, they seem to have been highly dependent on the archives of provincial governors, either because the laws they sought were not preserved in the imperial capital, or because they wished to check the text of laws recorded there for authenticity.[40] Perhaps by virtue of the fiscal importance of the region, Egyptian and Alexandrian archives provided a particularly fruitful source of texts on patronage, just as they did with respect to the adscript colonate.

The first recorded constitution on agrarian patronage contained in the *Codex Theodosianus* was issued by the Emperor Constantine in 332. The emperor declared '*ad provinciales*' that

> Any person in whose possession a *colonus* who belongs to another is found, not only shall he restore the aforesaid *colonus* to his birth status but also shall pay up the capitation tax for this man for the time that he was with him. And it is proper also that *coloni* who practise flight must be bound with chains and reduced to a servile condition, so that by virtue of their condemnation to slavery, they shall be compelled to fulfil the duties that befit freemen.[41]

Even this harsh measure, however, would not appear to have been sufficient to prevent landowners from drawing *coloni* onto their estates: in 360 the

[39] Honoré 1998: 128.

[40] See ibid. 138–9 for an excellent discussion of this: 'after 398 only one letter to a middle-order official is to be found . . . [whilst] . . . We have four laws between 414 and 436 *but none earlier*, in which the commissioners, besides recording the main recipient, note that other copies . . . were sent to other officials or bodies. Notes of this sort point to records kept by the sender.' For the earlier period, the original addresses presumably were preserved because, unlike the compilers of the *Codex Iustinianus*, the commissioners of the *Codex Theodosianus* did not possess the right to alter or emend texts. See Honoré 1998: 153: 'The texts in the Theodosian Code, like statutes in the UK, are to be taken historically, as part of an ongoing process of making, interpreting and altering laws. Those in Justinian's Code are intended to be read as strands in a seamless web woven in 528–34. The text is colour-coded for emperors and periods, but this is mere decor. Theodosius's laws are part of history. Justinian's have no past history, only a future.' See also Matthews 2000.

[41] *Codex Theodosianus* 5.17.1: 'Apud quemcunque colonus iuris alieni fuerit inventus, is non solum eundem origini suae restituat, verum super eodem capitationem temporis agnoscat. Ipsos etiam colonos, qui fugam meditantur in servilem conditionem ferro ligari conveniet, ut officia, quae liberis congruunt, merito servilis condemnationis compellantur implere.'

Emperor Constantius was forced to issue a second law on the subject that, in its extant form, refers to conditions within Egypt. The law makes it clear that the main culprits exercising such illicit *patrocinium* were imperial officials: members of the service aristocracy. It describes how 'a multitude of *coloni* located throughout Egypt have given themselves over to the patronage of those persons who are supported by their high rank of various degrees, even up to that of *dux*'. Such peasants were to meet the taxes expected of them, their original fiscal communities were to be compensated for any payments they had been forced to make, and the patronal nexus was to be broken.[42] In either 368 or 370 Valentinian and Valens repeated the proscription for the empire at large:

> Farmers are to refrain from resort to patronage and they shall be subjected to punishment if by audacious contrivances they should seek such assistance for themselves . . . And as for those who lavish their patronage, for each one of the landholdings, however many they are found to have received, they will have to pay twenty-five pounds of gold.[43]

A second constitution concerning Egypt was issued in 386, emphasising that armed force might have to be used against tax-dodgers:

> and if there should now exist any of our provincials who are contumacious when it comes to making the payments that they owe, you shall report them to Our Clemency, in order that, when We so order, their tribute may be exacted by armed soldiers.[44]

The flight of agricultural labourers to those other than their legitimate employers was twice legislated against in 386, as again in the years 393–5.[45]

In 395 the *comes Aegypti* was again asked to crack down on men of high standing who had taken control of entire villages: 'if any person from

[42] *Codex Theodosianus* 11.24.1: 'Colonorum multitudinem indicasti per Aegyptum constitutorum ad eorum sese, qui variis honoribus fulciuntur, ducum etiam patrocinia contulisse. Universos itaque, quos tantum sibi clauerit temeritatis adsumere, ut praebeant latebram et defensione repromissa aditum implendae devotionis obclaudant, iubemus urgeri, ut debita, quaecumque vicani, quorum consortio recesserunt e propriis facultatibus fisci docebuntur commodis intulisse, idem cogantur expendere. Eos quoque in defensionem suam videntur suscepisse, ab eorum patrocinio facias separari.'

[43] *Codex Theodosianus* 11.24.2: 'abstineant patrociniis agricolae subiugandi supplicio, si talia sibimet adiumenta commentis audacibus conquisierint . . . Ii vero, qui propria patrocinia largiuntur, per singulos fundos, quotiens repperti fuerint, viginti et quinque auri libras dare debeant'.

[44] *Codex Theodosianus* 1.14.1: 'Iam si qui de provincialibus nostris ad inferenda, quae debent, audaces exstiterint, ad nostram clementiam referes, ut, ubi nos iusserimus, per castrenses milites exigantur.'

[45] *Codex Theodosianus* 5.17.2 (386): Quisquis colonum iuris alieni aut sollicitatione susceperit . . .; *Codex Iustinianus* 11.51.1, p. 443 (386?): '. . . illis non liceat ex his locis quorum fructu relevantur abscedere' (referring to Palestine); *Codex Iustinianus* 11.52.1 (393–5): 'Si quis vero alienum colonum suscipiendum . . .'

your office or from any order of men should be discovered to have received villages (*vicos*) into his patronage, he shall suffer the established penalties'.[46] The following year, a subsidiary, non-Egyptian measure was promulgated, apparently with a view to prohibiting senators from taking over the lands of *curiales*.[47] Evidently, the grip of the senatorial aristocracy on local society was tightening.

Further trans-imperial legislation was issued in 399, once again emphasising the high rank and social standing of those engaged in undermining the fiscal system. Thus in March 399 the imperial authorities declared that

> If any person should attempt to proffer patronage to any peasants, of whatsoever high rank he may be, whether that of master of both branches of the military service, or that of *comes* or ex-proconsul or ex-vicar or ex-augustal prefect or ex-tribune or a *curialis* or of any other high rank whatsoever, he shall know that he must undergo a penalty of forty pounds of gold for the patronage proffered on each landholding, unless he should later desist from such rash foolhardiness.[48]

Just two months later the penalties for *patrocinium* were made still more severe:

> namely, that if any person should be found to supply patronage to farmers or villagers who own their own landholdings, he shall be stripped of his own property, and upon such farmers also shall be inflicted the loss of their own lands, if they should take recourse to the patronage they have sought out.[49]

A third imperial constitution dating from 399 described how Egyptian landowners were seeking to escape from the duty of permitting the state to use their boats and ships for the purposes of the grain transport:

> Let it be known to all men throughout Egypt that if anybody should attempt to obtain exemption for ships from the duty of transporting public supplies, either by use of their own names or by any other kind of legal ruse, they shall be subjected to a fine of twenty pounds of gold. The owners also shall suffer state confiscation

[46] *Codex Theodosianus* 11.24.3: 'Quicumque ex officio tuo vel ex quocumque hominum ordinis vicos in suum detecti fuerint patrocinium suscepisse, constitutas luent poenas.'

[47] *Codex Theodosianus* 6.3.3.

[48] *Codex Theodosianus* 11.24.4: 'Censemus, ut qui rusticis patrocinia praebere temptaverit, cuiuslibet ille fuerit dignitatis, sive magistri utriusque militiae sive comitis sive ex proconsulibus vel vicariis vel Augustalibus vel tribunis sive ex ordine curiali vel cuiuslibet alterius dignitatis, quadraginta librarum auri se sciat dispendium pro singulorum fundorum praebito patrocinio subiturum, nisi ab hac postea temeritate discesserit.'

[49] *Codex Theodosianus* 11.24.5: 'scilicet ut, si quis agricolis vel vicanis propria possidentibus patrocinium reppertus fuerit ministrare, propriis facultatibus exuatur, his quoque agricolis terrarum suarum dispendio feriendis, qui ad patrocinia quaesita confugerint'.

of their ships if they should neglect such compulsory public services and wish to obtain exemption by the patronage of powerful men.[50]

The fiscal implications of patronage exercised by members of the imperial aristocracy of service emerge as a cause of constant concern to the imperial authorities throughout the late fourth century.[51] In spite of repeated legislation, and in spite of that legislation's ever more shrill tone, the patronal nexus could not be broken: the undermining of autonomous peasant communities could not be reversed.

In about 415 three individuals – Valerius, Theodorus, and Tharsacius – were charged with investigating the extent of the problem in Egypt. Before their investigations were even complete, however, the Emperors Honorius and Theodosius announced via the praetorian prefect Aurelianus (a law therefore of imperial-wide effect), that they were ready to reach a limited accommodation with those who had engaged in the 'patronage of villagers or rustics'. As the constitution of 415 states:

Let the examination of Valerius, Theodosius, and Tharsacius cease and let only those persons be prosecuted in the court of the augustal prefect who from the time of the consulship of Caesarius and Atticus [i.e. 397] have begun to possess landholdings under the title of patronage. However, We decree that all such persons shall be subject to the payment of public charges, so that the name of patron shall be judged to be completely abolished.'[52]

Patronal relations established before 397 were thus accepted as legitimate, so long as the great landowner paid the taxes owed on such land as he had acquired and by the agricultural workers that he had drawn onto his estate. The further growth of estates through patronage, however, remained illegal, and in order to give effect to this prohibition, the constitution went on to

[50] *Codex Theodosianus* 13.7.1: 'cunctis per Aegyptum intimetur viginti librarum auri multae esse subdendos eos, qui naves suo nomine vel defensione a transvectionibus publicis excusare temptaverint, publica iactura navium quoque dominis feriendis, qui neglectis necessitatibus publicis potiorum voluerunt patrociniis excusari.'

[51] The frequency with which laws were issued on *patrocinium* would appear to correlate well with the pattern for imperial legislation in general; at times when a large number of laws were issued, we find a sharp increase in legislation on patronage: when legislative activity as a whole was less intense, our constitutions on the subject diminish to a trickle. See Honoré 1998: 139: 'The commissioners collected on average nearly twenty laws a year for Theodosius I, whose energy hardly flagged until the very end, fourteen of Arcadius, and seven of Theodosius II up to 438. They collected seven a year from Valentinian II between 383 and 392, 21 of Honorius between 395 and 401, then seven a year up to 423; under two a year of Valentinian III up to 438 . . . The impulse Theodosius I gave in the east lasted full throttle in the time of Eutropius, though at a reduced rhythm after 399.'

[52] *Codex Theodosianus* 11.24.6: 'Valerii, Theodorii et Tharsacii examinatio conticiscat, illis dumtaxat sub Augustaliano iudicio pulsandis, qui ex Caesarii et Attici consulatu [i.e. 397] possessiones sub patrocinio possidere coeperunt. Quos tamen omnes functionibus publicis obsecundare censemus, ut patronorum nomen extinctum penitus iudicetur.'

seek to bolster the autonomy of the larger villages or *metrocomiae* of the empire.[53]

Essentially, the imperial authorities attempted to halt the further advance of *patrocinium* by acknowledging and accommodating the gains that landowners had already made. But why was 397 chosen as the date up to which formerly illicit relations came to be granted provisional imperial sanction? The reason would appear to be that, according to *Codex Theodosianus* 1.2.11, it had been decided that from 398 onwards imperial rescripts granted in response to consultations with individual judges were to be of purely *ad hoc* effect, with no wider legal implications.[54] The year 398 was thus associated with a general reordering of the legal framework of the empire, and the attempted accommodation with *patrocinium* was subsumed within it. The year 397 made as good a 'line in the sand' as any.

It is sometimes suggested that the legislation of 415 was essentially successful in curtailing the further illicit expansion of estates. This success, it is claimed, is evident from the subsequent silence of the Theodosian Code on the subject of *patrocinium* after 415, and the fact that the early sixth-century compilers of the *Codex Iustinianus* did not include the Theodosian provisions in their work.[55] There are, however, two problems with this position. First, there is very little legislation in general within the *Theodosian Code* that dates from after 415. The legislation on *patrocinium* simply conforms to this wider pattern. Second, in much of what does survive, the fiscal and governmental implications of the burgeoning social authority of landowners and office-holders continue to emerge as a cause of great concern. Thus, in 418 the imperial authorities warned that

> No merchant or property owner subject to the payment of the lustral tax payable in gold shall, because of his confidence in patronage or because of the influence of any person whatsoever of most high rank, suppose that he should be exempt from payment of the aforesaid tax.[56]

For Egypt, the year 436 witnessed a series of laws attempting to alleviate the burdens placed on the *curia* of Alexandria and bolster its cohesion. These laws may in part have resulted from the economic marginalisation of the traditional Alexandrian land-owning elite caused by the social ascendancy

[53] Ibid. 'Metrocomiae vero in publico iure et integro perdurabunt.'

[54] See the discussion in Honoré 1998: 211.

[55] The first to do so were Johnson and West 1949: 22: 'the evil was ended'.

[56] *Codex Theodosianus* 13.1.21: 'Nemo mercator vel possessor rerum, quae lustralis auri collatione tenentur obnoxiae, patrociniorum fiducia vel nomine cuiuslibet altissimae dignitatis a praedicta se functione aestimet subtrahendum.'

of magnate *geouchoi* within the *chora* of Egypt.[57] There is even evidence to suggest that it was actually the period after 415 that witnessed the most concerted onslaught against the fiscal privileges and abuses of the land-owning elite. In 430, for example, the praetorian prefect Antiochus Chuzon issued a swingeing series of cutbacks in tax rebates 'evidently aimed', in Jones' words, 'at wealthy tax-evaders'.[58] Even the very compilation of the *Codex Theodosianus* itself is partly explicable in terms of the imperial authorities' attempts to wrestle with the social and legal implications of magnate patronage; for the compilation of the Code, between 429 and 436, was essentially in response to anxieties expressed both in the provinces and at court about the writ of imperial law within provincial society and, in particular, security of title to land. Both had been undermined by the *patrocinium* of members of the new aristocracy of service.[59]

Nor should anything be read into the silence of the Justinianic Code on the subject of the Theodosian legislation. The explicit purpose of the *Codex Iustinianus* was expressly not that of recording all past but current legislation. Rather, it aimed to condense imperial legal enactments and remove discrepancies between them:

> as it be necessary to reduce the vast numbers of the constitutions contained in the three old codes, as well as in the others compiled in former times, and to clear up their obscurity by means of proper definitions.[60]

In terms of legal effect, the provisions against patronage recorded in the *Codex Theodosianus* are fully upheld in the Justinianic Code.

Indeed, the fifth- and sixth-century legislation on *patrocinium*, preserved in its amended, Justinianic guise in the *Codex Iustinianus*, alerts us to the extent to which the ongoing expansion of estates remained a preoccupation of emperors throughout the period. In 468, for example, the Emperor Leo I (r. 457–74) issued a constitution of empire-wide effect that reveals much of the spurious legal form with which rural *patrocinium* attempted to cloak itself. Again, we should note that entire villages were coming to be placed *sub patrocinio*:

57 See *Codex Theodosianus* 14.26.2; 12.1.190; 12.1.191; 14.27.2; and, on Egypt, rearranging the dates of tax collection, 11.5.3 – all promulgated in 436.

58 See A. H. M. Jones 1964: I, 206. Further attacks on rebates which, as Brown notes, always tended to favour the wealthiest, were made in 443, alongside a special gold levy of senators – measures necessitated by the activities of Attila and his Huns. See Brown 1988: 28.

59 Honoré 1998: 128.

60 *De Iustiniano Codice Confirmando* (AD 529): 'cum sit necessarium multitudinem constitutionum tam in tribus veteribus codicibus relatarum quam post eorum confectionem posterioribus temporibus adiectarum ad brevitatem reducendo caliginem earum rectis iudicium definitionibus insidiantem penitus extirpare'.

> If, after this imperial law of ours, anyone should flee to the patronage of any person whatsoever, thereby harming and defrauding the fulfilment of his public obligations, the agreement made for this purpose shall have no validity, be it under the outward appearance of a gift, or sale, or contract of employment, or any other contractual form whatsoever . . . and the villages and properties of those that have taken recourse to patronage shall suffer public confiscation.[61]

The constitution goes on to refer to other empire-wide measures concerned with *patrocinium* promulgated under the Emperor Marcian (r. 450–7) that were excluded from the Justinianic codification.[62]

The *Codex Iustinianus* also contains an undated Greek constitution, almost certainly promulgated by Justinian as an appendix to the legislation of Leo, attempting to prevent the flight of villagers and agricultural labourers to the patronage of a local magnate.[63] Those who had fled were to be punished 'along with ten of the leading men of their village'.[64] Yet again, a desire to maintain the cohesion of village society in the face of the radiating social influence of magnate landowners seems to underlie the constitution.

Imperial concern at rural patronage continued long after the promulgation of the second rescension of the *Codex Iustinianus* in 534. A general measure against patronage was issued in 535, and the imperial authorities were still legislating on the subject in the reign of the emperor Tiberius II (r. 578–82).[65] This late constitution records landowners 'both from amongst those living in this glorious city [i.e. Constantinople], and also from almost all the subject provinces' complaining to the emperor of the illegal patronage exercised over both land and labour by individuals charged with the

[61] *Codex Iustinianus* 11.54.1: addressed to the praetorian prefect Nicostratus – 'Si quis post hanc nostri numinis sanctionem in fraudem circumscriptionumque publicae functionis ad patrocinium cuiuscumque confugerit, id, quod huius rei gratia geritur sub praetextu donationis vel venditionis seu conductionis aut cuiuslibet alterius contractus, nullam habeat firmitatem . . . vicis etiam vel possessionibus ad patrocinia confugentium publico vindicandis.'

[62] No individual province is singled out by Leo, and the constitution, as noted above, was addressed to the praetorian prefect. For the reference to Marcian, ibid.: 'Quam formam ex eo quidem tempore, quod sacra constitutio a divae memoriae Marciano promulgata continet, id est in Thracia quidem dioecesi abhinc annis triginta, hoc est a consulatu Aetii iterum et Sigisbuldi [i.e. 437] in Orientali vero et Aegyptiaca et Pontica et Asiana dioecesi viginti octo, hoc est a consulatu Cyri [i.e. 441] valere atque exsecutioni mandari praecepimus.'

[63] *Codex Iustinianus* 11.54.2: Μηδεὶς κωμήταις προστασίαν ὑπισχνείσθω μηδὲ δεχέσθω γεωργοὺς ἐπὶ τούτῳ ὑπόσχεσιν προσόδων ἢ ἕτερον κέρδος λαμβάνων.

[64] *Codex Iustinianus* 11.54.1: μετὰ δέκα τῶν πρωτευόντων τῆς κώμης.

[65] *J.Nov.* 17.13 (AD 535): Προστασίας δὲ ἀδίκους, ἃς μανθάνομεν ἐν ταῖς ἡμετέραις ἐπαρχίαις γίνεσθαι, πᾶσι μετελεύσῃ τρόποις, οὐ συγχωρῶν οὐδενὶ τοὺς ἑτέρων βίους ἐνεργολαβεῖν. Nevertheless, Johnson and West felt able to conclude that 'Justinian was evidently not worried by the growth of patrocinium'; Johnson and West 1949: 47. For Tiberius, see the revised edition in Kaplan 1981: 237–45.

administration of imperial estates. Thus 'many have approached us . . . owning estates near imperial properties or dwellings . . . announcing themselves to have been wronged through the manifold injustices of the *pronoetai* and *chartoularioi* . . . and others associated with the imperial estates.'[66] Rather than seeking to enrich the crown, these miscreants were accused of making the 'buildings and plots of land' seized 'their own' (οἰκειουμένων).[67] This Tiberius forbade, out of concern, he claimed, for the prosperity and happiness of his subjects.[68]

On the analogy of the relationship between the Apiones and the imperial properties placed under their charge in the vicinity of Oxyrhynchus, the individuals admonished by Tiberius are themselves likely to have been landowners of considerable substance, and the estate administrators mentioned, the private employees of magnate households. The constitution provides a highly informative example of the means by which politically well-connected individuals and families used their imperial connections to advance their private interests at the expense of their neighbours. As seen, the Apion family's association with the administration of imperial estates went back well into the fifth century, and this affinity may have played an important part in the consolidation and expansion of the Apiones' own properties. It gave the Apion family an authority and prestige that its neighbours lacked.

CONTEXTS FOR ELITE FORMATION

The papyrological and legal sources for the Eastern Empire concur, therefore, in recording a substantial restructuring of agrarian social relations from the fourth century to the sixth, as members of a new imperial aristocracy of service expanded their own landholdings. An ongoing concentration of land-ownership was already discernible in the early-to-mid fourth century both within Egypt and the empire at large, with the emergence in the papyri of the *propoliteuomenoi*, and the contemporaneous appearance in the imperial legislation of the *principales*. The political and economic opportunities available to this class had been revolutionised by the establishment of tighter civic supervision of rural life resultant from the Diocletianic reforms, and the general expansion in the imperial bureaucracy, which recruited largely from its ranks. The opportunities for self-aggrandisement

[66] Kaplan 1981 *proemium*, lines 10–15: 238.
[67] Kaplan 1981 *proemium*, line 19: 238: καὶ ἁπλῶς εἰπεῖν τὰ μὴ προσήκοντα οἰκειουμένων.
[68] Kaplan 1981 *proemium*, lines 33–5: 239.

were then further enhanced by the transformation of relations between centre and periphery occasioned by the political reforms of Constantine and his heirs.

As we have seen with reference to both the adscript colonate and *patrocinium*, the main imperial concern was with the fiscal implications of this process of estate expansion, and, accordingly, it is upon fiscal aspects that the imperial laws focus. The very appearance of these laws, however, alerts us to the general trend. This restructuring of agrarian social relations seems to have been the result of a number of factors, first and foremost amongst which was the emergence of the new imperial aristocracy of service itself. The influence and power exercised by members of this class would appear to have been sufficient to have brought about a significant reconfiguration of rural society. Second, as recent archaeological work has demonstrated, the period from the fourth century to the early sixth witnessed considerable demographic expansion in the eastern Mediterranean.[69] The implications of this expansion were twofold. From the perspective of the peasantry, especially in those regions where good quality land may have been relatively scarce, higher population levels may have resulted in the repeated subdivision of landholdings between a growing number of surviving heirs. Many peasants may have found themselves in possession of plots of land incapable of furnishing them with much by way of return, whilst pasture for livestock would have become increasingly scarce as ever more land was turned over to arable. Demographic expansion may thus have provided a further incentive, beyond the workings of the fiscal system, to place oneself *sub patrocinio*.

From the perspective of the patron, the increased size of markets resultant from demographic growth would have provided a far greater incentive to engage in large-scale production on estates. This in turn would have rendered the acquisition of new land highly desirable, and the creation of an expanded pool of resident labour essential. Members of the land-owning elite prevented demographic expansion from splitting up and subdividing their own estates by taking advantage of the legal instrument of the *fideicommissum* to seek to create a form of familial inalienability over land, similar in intent to the perpetual entail employed by aristocratic families in early modern Europe. The *fideicommissum*, the origins of which can be traced back to the late Republic, was deployed after a manner which fundamentally breached a central tenet of the Roman law of inheritance, namely the forbidding of hereditary dispensations in favour of *incertae personae*

[69] See, for example, Foss 1995: 213–34.

or 'unknown persons': fideicommissary settlements were made forbidding heirs from alienating land outside the family.

By the sixth century this practice was sufficiently widespread that Justinian felt obliged to legislate on it, so as to uphold the spirit of the civil law. In a number of constitutions dating from 529 to 531, Justinian established a clear legal framework within which to adjudicate fideicommissary disputes.[70] This was followed in 555 by a measure which placed a four-generational limitation upon fideicommissary settlements.[71] This legislation provides a crucial insight into the dynastic ambitions of the new service aristocracy of late antiquity, and also helps to explain the 'corporate feel' of the magnate households as recorded in the papyri. Members of the land-owning family were bound together not only by common interest, but also by private legal instrument. As Johnston has stated of the *fideicommissum*:

> Changes in the law of Justinian's day were modest, but the character of the institution was fundamentally altered. The rules of Justinian's day are curiously similar to the classical ones, but the intentions of Byzantine testators . . . were curiously different . . . but the reason for this is to be found in the changing not of legal rules but of social perceptions.[72]

Taking advantage of their increased social authority and political connections, as well as the demographic conditions around them, the leading members of provincial society thus gradually but remorselessly forced aside their social competitors, expanding their estates, drawing to themselves both individual labourers and entire village communities, and introducing direct modes of estate management which had existed before, but never, apparently, on so wide a scale. Accordingly, in both the papyrological evidence from Middle Egypt and the epigraphic record from Syria-Palestine, we see a proliferation of estate *epoikia* and *choria* and an apparent reduction in the proportion of autonomous village communities or *komai*.[73] For Egypt, the closest we get to an eye-witness account of this process is to be found in an open letter written in the fifth century to a landowner from the city of Panopolis by the Abbot Shenoud. The abbot berates the landowner

[70] See Johnston 1988: 250–4: 'Justinian . . . entirely transformed the procedural regime applying to trusts. A series of constitutions from AD 529 to 531 brought in new and radical reforms. The premise of the reform was that there was no longer a need to distinguish between legacies and trusts' (250); 'Positive reforms consisted first in introducing an *actio in rem* for the benefit of all legatees and beneficiaries of trusts, and second in introducing a tacit hypothec over the entire property left to them' (251); 'Soon after a prohibition on alienation was introduced' (252); 'In all circumstances the beneficiary now had an *actio in rem* in addition to his original protection *in personam*, and it could be enforced against any possessor'(254).

[71] *J.Nov*. 159. [72] Johnston 1988: 116. [73] See Hirschfeld 1997: 36.

in the most vivid of terms for the exploitation of his agricultural workforce, declaring to him:

> Your godlessness is matched by the way in which you afflict the poor with your oppressions . . . You carry off their beasts with their carts and their hay and take them to your plantation and make them drive round and round beyond their powers . . . Your people give them calves and cows to rear, distributing them among the holdings till they are full grown, and then take them . . . to say nothing of the bread and wine and fodder and hay and barley for your beasts and all the rest.[74]

We find the same process described, this time for fourth-century Syria, in the homilies of John Chrysostom, who denounced Antiochene landlords who

> impose unceasing and intolerable payments on them [the peasants] and require of them laborious services . . . What sight could be more pitiable than when having toiled the whole winter through in frost and rain, spent with work, the peasants return with empty hands and even in debt, dreading and fearing more than this ruin and more than hunger, the torments inflicted by the overseers, the seizures, the demand notes, the arrests, the inescapable forced labour?[75]

Whatever its effects on the peasantry as represented by Shenoud or Chrysostom, the emergence of these large estates is likely to have made a positive contribution to the wider economic development of the Eastern Empire at this time. In recent years, archaeologists and numismatists have begun to appreciate the extent to which the period from the fourth to the early sixth centuries in the eastern Mediterranean was associated not only, as already seen, with demographic expansion, but also with economic growth more generally.[76] That this expansion in economic resources was associated with a concentration and restructuring of landownership should not occasion surprise. For, as emerges with particular clarity in relation to the properties of the Apion family, the aristocratic estates of the late antique east were emphatically non-autarkic enterprises. It was the great misconception at the heart of the traditional historiography to assume that

[74] Barns 1964: 157–9.

[75] John Chrysostom, *Homily in Matthew* LXI.3: τελέσματα διηνεκῆ καὶ ἀφόρητα ἐπιτιθέασι, καὶ διακονίας ἐπιπόνους ἐπιτάττουσι . . . τί γένοιτʾ ἂν ἐλεεινότερον, ὅταν διʾ ὁλοκλήρου τοῦ χειμῶνος πονέσαντες, καὶ κρυμῷ καὶ ὄνμβρῳ καὶ ἀγρυπνίαις δαπανηθέντες, κεναῖς ἀναχωρήσωσι ταῖς χερσὶν, ἔτι καὶ προσφείλοντες, καὶ τοῦ λιμοῦ τούτου καὶ τοῦ ναυαγίου τὰς τῶν ἐπιτρόπων βασάνους καὶ τοὺς ἑλκυσμοὺς καὶ τὰς ἀπαιτήσεις καὶ τὰς ἀπαγωγὰς καὶ τὰς ἀπαραιτήτους λειτουργίας μᾶλλον δεδοικότες καὶ φρίττοντες;

[76] See Ward-Perkins 2000a: 315–45 and 2000b: 346–91.

they were. Rather, as we have seen, production on the great estates was highly commodified: labour was rationally and flexibly organised, with workers being directed between estate properties; a certain amount of specialisation would appear to have characterised the holdings which the estate comprised, and the surplus produced by the in-hand seems to have been marketed, presumably via the various estate-owned shops and warehouses attested in the sources.[77] Both conceptually and practically, estate management was highly monetised.

This commercial drive on the part of the managers of aristocratic properties was a natural by-product of the essentially urban focus of late antique aristocratic culture. Aristocratic landowners, resident in or near the cities of the empire from which they exercised their governmental and official functions, possessed a vested interest in ensuring that the surplus furnished by their estates was exchanged for cash. Only with such cash could they engage in the feats of competitive consumption and of civic and religious euergetism by which they established their standing in society. The extrovert, urban-focused lifestyle of the late-antique aristocrat was predicated upon the commodified exploitation of his estates.

But also, crucially, members of the late-antique aristocracy of service were coming to establish their social predominance at a time when the monetary system of the empire was undergoing fundamental and highly significant reconfiguration.[78] The greater ubiquity in the post-Constantinian era of a high quality and stable coinage, along with the state's increased emphasis on the 'adaeration' of fiscal payments (i.e the replacement of payment in kind with payment in coin), facilitated a far more profound degree of estate monetisation and commodification than had been practicable in the troubled years of the third century. Members of the new aristocracy of service would appear to have been alert to the opportunities offered by the new monetary conditions, and, in the course of their official duties, sought to maximise the collection of taxes and the issuing of official stipends in coin.[79] Accordingly, in the mid fourth century the anonymous author of the *De Rebus Bellicis* wrote of the age of Constantine that, as a result of the emperor's coinage reforms, 'the houses of the powerful were crammed

[77] Note the comments of Holum 2005: 101, where he states of the archaeological remains of Caesarea that 'warehouses in the city enabled landlords to store up the products from their estates for sale when supplies were low and prices high. At Caesarea the proximity of the sea made such warehouses especially profitable, because somewhere within reach of Caesarea's ships a famine was bound to occur, and with it a sharp rise in prices.'

[78] See Banaji 2001: 39–88 and Morrison 1989: 239–60.

[79] Banaji 2001: 34–8 – discussing *Codex Theodosianus* 11.2.4.

full with gold and their splendour enhanced to the destruction of the poor'.[80]

Moreover, members of the new aristocracy of service came to acquire land on a far greater scale than had members of the pre-Constantinian civic elites of the empire. The greater size of these emergent estates seems to have been conducive to, and associated with, the more widespread introduction of direct forms of estate management, bipartite estates better suited to specialised production for the market.[81] As we have seen, on the basis of the documentary evidence from Egypt, it would appear that members of the pre-Constantinian elites were primarily reliant upon leasing their land to tenant farmers.[82] Marked specialisation of production would have left such tenant farmers highly vulnerable to harvest fluctuation and famine.[83] The same can be said of autonomous familial-based production by peasant freeholders. The owners of directly managed large estates, by contrast, were much better placed to benefit from economies of scale sufficient to overcome such risk factors. The attitude of the new aristocracy to agricultural investment is perhaps preserved for us in a private oration of Themistius dating from the mid fourth century: 'if it is affluence that you want from your efforts, [remember that] the poets sing of Plutos [i.e. Wealth] as the child of Demeter'.[84] A concentration of land-ownership in the hands of members of the new imperial aristocracy of service is likely to have been one of the major factors that contributed to the economic expansion of the period. As in parts of the late medieval and early modern west, economic growth went hand-in-hand with the rise of great estates.[85]

CONCLUSION

From an economic perspective, therefore, the rise of the great estates is likely to have been a positive development, contributing to greater integration of urban and rural markets and even catalysing and sustaining production beyond the estates themselves.[86] Yet, as we have seen in chapter nine, from

[80] Anonymous, *De Rebus Bellicis* 2.1–2: 'ex hac auri copia privatae potentium repletae domus, in perniciem pauperum clariores effectae, tenuioribus videlicet violentia oppressis'.

[81] For a late-medieval parallel, see Martin 1986: 17; for a modern parallel, see Dyer 1997.

[82] Rowlandson 1996: 284 and Banaji 2001: 111–12.

[83] Horden and Purcell 2000: 272–5.

[84] See Themistius, *Oratio* 30: εἴτε εὐπορία διὰ σπουδῆς, Δήμητρος παῖδα τὸν Πλοῦτον ποιηταὶ ᾄδουσιν.

[85] See Rigby 1995: 65–6.

[86] As *P.Oxy.* I 133 and *P.Lond.* III 776 confirm, the Apion household entered into direct, non-fiscal, economic relations with those to whom the family was bound pagarchically – in the former the family advances seedcorn to a village described as παγαρχουμένη, in the latter the inhabitant of a

a fiscal, social, and political perspective matters were not nearly so straightforward. The empire might have been getting wealthier, but, as Justinian's provincial legislation makes clear, the imperial authorities were finding that wealth ever harder to tap. Economic expansion was primarily benefiting not the state, but rather the class of great landowners on whose patronage and co-operation even the person of the emperor was becoming increasingly dependent. Every attempt to harness and curtail aristocratic influence at a provincial level, be it through the adscript colonate, *autopragia*, or the development of the office of pagarch or *vindex*, had only intensified it. As viewed from the provinces, the figure of the great landowner bulked ever larger, the direct authority of the emperor receded ever further from sight. This was a highly ominous development with respect to the ability of emperors to gain access to the fiscal resources of their subjects. If the interests of land-owning aristocrats were vulnerable to the passive resistance of the peasantry, so too were those of emperors becoming increasingly vulnerable to the passive resistance of land-owning aristocrats, whose opportunities for fiscal embezzlement and fraud were expanding.[87] But the ramifications perhaps went even further than that. For the more reliant on the figure of the great landowner the imperial authorities became, the more, from the perspective of the provincial peasantry and the urban poor, did the great landowner and his power become the most visible representation of the Roman state. As a result, even if taxes were passed on to the imperial authorities, the poison of class animosity threatened to insinuate itself into relations between emperor and subject.

village similarly described receives irrigational machinery. Apion patronage thus can be seen to have bolstered the economies of village communities beyond the ranks of its own immediate dependants.

[87] In 397 the imperial authorities complained that in many provinces half of all senators had failed to their pay the taxes due: *Codex Theodosianus* 6.3.4 addressed to the praetorian prefect of the east. See discussion in Laniado 2002: 104.

CHAPTER II

Economy and society in the age of Justinian

INTRODUCTION: THE AGE OF ANASTASIUS AND THE ARISTOCRATIC STATE

The late fifth century and, in particular, the reign of the Emperor Anastasius (r. 491–518) was clearly associated with a major consolidation of aristocratic power at the grassroots of early Byzantine society. Through the development of the offices of pagarch and *vindex*, magnate households tightened their control over the administrative and fiscal structures of provincial life. Accordingly, in the writings of John Lydus, Malalas, and Evagrius, the Anastasian era was remembered as having marked the effective end of curial self-rule.[1] Instead, there had emerged from within and alongside the *curiae* what Liebeschuetz has described as 'government by notables'.[2] At the same time, Anastasius' monetary reforms and especially his introduction of a range of small denomination bronze coins proved popular with an aristocracy whose members' interests had long been bound up with the monetisation of the economy and the commutation of fiscal payments.[3] As the *Chronicle* of Count Marcellinus declared: 'By striking in his own name the copper coins which the Romans call "terunciani" and the Greeks "follares" the Emperor Anastasius brought a peaceful commutation to the people.'[4]

Anastasius' policies clearly benefited the senatorial and land-owning elite. From their perspective, he behaved as all rulers should. John Lydus, for example, specifically singles out for praise Anastasius' generosity to members of the senatorial aristocracy. He records approvingly that the emperor

[1] John Lydus, *De Magistratibus* 3.49; Malalas 16.400; Evagrius, *Historia Ecclesiastica* 3.42. See the discussion in Laniado 2002 and Liebeschuetz 2001: 108.

[2] Liebeschuetz 2001: 104–10.

[3] See Banaji 2001: 36–7 and 52 and Sarris 2004b: 55–71. On the Anastasian reforms themselves, see especially Morrison 1989: 239–60.

[4] *Chronicle of Marcellinus*, see *sub anno* 498: 'Nummis, quos Romani teruncianos vocant, Graeci follares, Anastasius princeps suo nomine figuratis placibilem plebi commutationem distraxit.'

gave two thousand pounds of gold as a gift to an indebted *patricius* of consular descent by the name of Vibianus, as well as his creditor, the *ex consul* Zenodotus.[5] To Procopius, Anastasius was *pronoetikotatos kai oikonomikotatos panton autokratoron*: 'the most stewardly and bursarial of all emperors'.[6] The metaphor is striking: the emperor was meant to serve as estate manager to the imperial aristocracy, to whom the empire really belonged. Procopius goes on to claim that, upon his death, Anastasius left 3,200 *centenaria* of gold in the imperial treasury: John Lydus refers to 'countless myriads of pounds of gold'.[7] These figures are to be taken with a pinch of salt: their primary rhetorical purpose was to denigrate the financial competence of the future Emperors Justin I (r. 518–27) and Justinian. The crucial point was not the budgetary surplus that Anastasius had bequeathed, but the fact that the aristocracy had not borne the cost of it.

Certainly, beyond the ranks of the elite, the Anastasian reforms were far from welcome. The small-denomination coinage overhauled by the emperor represented that portion of the currency most commonly used on a daily basis by the urban poor and by unskilled casual labourers.[8] Any tampering with the bronze coinage and, in particular, any diminution in its rate of exchange against the *solidus*, in which taxes and rents were reckoned, risked being interpreted by the poor as an attack on their already meagre standard of living. Anastasius' reform of the copper coinage sparked off bitter rioting directed against the person of the emperor in both Constantinople and Antioch.[9] In the *Oracle of Baalbek* the emperor is described as 'hating all the poor'.[10] Popular hostility is also evident from an elegiac verse denouncing Anastasius that was published in the hippodrome of Constantinople in response to the erection of an iron statue of him:

> This image of iron we erect for you, world-destroying Emperor, as it is cheaper than bronze,
> In return for murder, ruinous penury, famine, and also wrath, which destroys everything, because of your lust for cash.
> As a destructive Charybidis, neighbour of Scylla, they set up this savage, brutal Anastasius.
> You too, Scylla, should dread in your heart lest you yourself also he devour, having ground up into loose change a copper goddess.[11]

5 *De Magistratibus* 3.48. 6 *Anecdota* 19.5. 7 *Anecdota* 19.6–8; *De Magistratibus* 3.51.
8 Banaji 2001: 66. 9 See Lee 2000: 53–4.
10 *The Oracle of Baalbek* 19: μισῶν πάντας τοὺς πτωχούς.
11 *De Magistratibus* 3.46:
Εἰκόνα σοι, βασιλεῦ κοσμοφθόρε, τήνδε σιδήρου
στήσαμεν, ὡς χαλκῆς οὖσαν ἀτιμοτέραν,
ἀντὶ φόνου πενίης τ' ὀλοῆς λιμοῦ τε καὶ ὀργῆς,

THE CRISIS OF THE EARLY SIXTH CENTURY

The reign of the Emperor Anastasius was thus something of a 'golden age' for the early Byzantine aristocracy. The years that followed Anastasius' death, however, saw tensions between the private interests of landowners, and senators, and the needs and requirements of the imperial government emerge to the fore of social and political life in the East Roman world. For Anastasius' period of rule had in fact done little to address the key paradox at the heart of early Byzantine social and economic development: namely that a period characterised by economic growth was nevertheless associated with a crisis of authority on the part of the East Roman state. The causes of this crisis were partly political, partly ideological, and partly religious. But they were also very strongly fiscal.

The early sixth century was a period of enormous ideological anxiety within political circles in Constantinople. Accordingly, the imperial capital was, as Averil Cameron has put it 'awash with political speculation'.[12] This anxiety was to a great extent fuelled by the geo-political context in which the empire found itself. Over the course of the fifth century, the Western Roman Empire had effectively 'delegated itself out of existence' and, instead, had come to be replaced by a series of successor kingdoms under Germanic rulers of mostly Arian faith.[13] This fact elicited ever greater unease: in about 500, for example, we begin to find Byzantine authors expressing the opinion that the Western Empire had 'fallen'.[14] Developments to the east were no less ominous: in 502–3 warfare with Byzantium's great rival, the empire of Sasanian Persia, had revived after a long fifth-century détente.[15] Accordingly, although a truce was negotiated in 506, a deep sense of unease must have settled upon the inhabitants of the eastern provinces, and especially, perhaps, those who owned land there. These new geo-political realities threatened both the security of the empire and the interests of the senatorial landed elite: they had the potential, therefore, to impact directly on the political mood in Constantinople. At the same time, they posed a

ἣ πάντα φθείρει σῇ φιλοχρημοσύνῃ.
γείτονα δὲ Σκύλλης ὀλοὴν ἀνέθεντο Χάρυβδιν,
ἄγριον ὠμηστὴν τοῦτον Ἀναστάσιον.
δείδιθι καὶ σύ, Σκύλλα, τεαῖς φρεσί, μή σε καὶ αὐτὴν
βρώξῃ, χαλκείην δαίμονα κερματίσας.

[12] See discussion in Cameron 1985: 242–60.

[13] See Collins 1991: 75– 94 and Sarris 2002b: 19–59.

[14] See Kaegi 1968: 3–58 and 99–145; Goffart 1989: 81–110; Amory 1997: 135–40; and Croke 1983: 81–119.

[15] See Greatrex and Lieu 2002.

major challenge to the universalist claims of the imperial office. Climatic instability, a string of natural disasters and earthquakes, and an ever more pronounced (and partly associated) apocalyptic sensibility within ecclesiastical circles are also likely to have heightened political tension in the imperial capital.[16] The same can be said of the increasingly fractious character of the imperial Church, which, since the Council of Chalcedon in 451, had been riven with dispute over the nature of the relationship between the human and divine in the person of Christ.[17] All this contributed to a growing questioning of the nature of imperial rule.

But, crucially, the breakdown in relations with Persia was also significant for financial reasons. Warfare between Byzantium and Persia in 502–3 had erupted on a massive scale, requiring the mobilisation and provisioning of tens of thousands of troops.[18] After the truce of 506 the imperial authorities had invested in a major programme of fortification and building work along the eastern frontier, as well as seeking to bolster the empire's influence in Arabia to the south and the Caucasus and Transcaucasus to the north. Warfare then erupted again, first on a small scale in 527–8, then in a concerted fashion in 530, as the Persians sought to respond to the strengthening of the Roman military position.[19] Warfare cost money. The Roman army already received the overwhelming share of the revenues collected by the East Roman state.[20] It is unlikely, therefore, that there was much room to reallocate fiscal resources from other, non-military, purposes. What the state needed was to further increase its tax yield. The revival of warfare thus served to focus attention on questions of fiscality. In particular, it raised the significance of an issue that had been a cause of concern to the imperial authorities ever since the *patrocinium* legislation of the fourth century: tax evasion and fraud on the part of great landowners, imperial administrators, and state officials.

Of course, much the same was true in Persia. It is significant that in the 530s both the East Roman and Sasanian authorities engaged upon ambitious programmes of internal administrative and fiscal reform, aimed at cracking down on corruption and maximising revenues.[21] On one level, these parallel programmes were the fiscal and political corollary to renewed military competition. As a distinguished political economist has noted of a very different historical period:

[16] For warfare with Persia, see Greatrex 1998: 73–130. For natural disasters, earthquakes, and apocalypticism, see most recently Meier 2003.
[17] See Meyendorff 1968: 43–60.
[18] See Howard-Johnston 1995: 166.
[19] Greatrex and Lieu 2002: 62–92.
[20] Treadgold 1997: 277.
[21] See Rubin 1995: 227–98.

military competition between nations has favoured the expansion of the less corrupt *vis-à-vis* the more corrupt: those nations that have developed efficient, relatively uncorrupt government have been able to mobilize their resources for war and military domination more effectively than the more corrupt and less efficient; as between nations of similar economic potential they have therefore had the capacity to expand at the expense of their neighbours. The military threat posed by such nations may also promote efficient government abroad by causing their neighbours to try to reform government for the sake of military security. On the other hand, military expenditure in war and peace is singularly vulnerable to corruption.[22]

THE DECENTRING OF THE COURT ARISTOCRACY

But the readiness of the imperial authorities to address the issue of aristocratic tax evasion and administrative corruption was also heightened by a significant change in the social profile of those holding the imperial office. Anastasius had been an emperor of markedly conservative and aristocratic sympathies. Prior to his time as emperor he had served as imperial chamberlain, and his encomiasts even sought to trace his ancestry back to the *triumvir* of ancient Rome Pompey the Great.[23] Upon Anastasius' death in 518, however, the crown had passed to the Emperor Justin, an Illyrian peasant who had worked his way up through the ranks of the imperial army. This Justin had achieved primarily by means of opportunistic sleight of hand and the deception of powerful interests at court.[24] According to the *Chronicle* of John Malalas, the imperial chamberlain Amantius had provided Justin, who, at that point, was Count of the Palace Guard or *Excoubitors*, with a sum of money with which to win over support for Amantius' favoured claimant to the throne, the *comes* Theocritus. Instead, Justin had used the money to buy up support for himself amongst the army and the circus factions.[25] As a result, the senate had been obliged to agree to Justin's elevation to the purple, but only, it would appear, after a brief scuffle.

In the August of 527 Justin was succeeded as sole emperor by his nephew, Petrus Sabbatius Justinianus, who had long been the effective power behind the throne.[26] Like his uncle, Justinian was a military man of peasant stock. Although Justin had clearly meant his nephew, and adoptive son, to succeed him, the new emperor's putative accession to power must have seemed far

[22] Neild 2002: 14. [23] Alan Cameron 1978: 260. [24] See Evans 1996: 11–13.
[25] See Malalas 17.2; Marcellinus Comes, *Chronicle*, *sub anno* 519; Procopius, *Anecdota* 6.26.
[26] The best tabulated chronology of the reign of Justinian is that found in Honoré 1978: vi–ix. For Justinian being in effective control during the reign of Justin, see, for example, Procopius, *Anecdota* 9.50.

from straightforward. Constantinople was still home to members of the household of the former Emperor Anastasius, as also to members of the Theodosian dynasty, whose aristocratic connections and affinities represented a real challenge to the potential claims of the heir apparent.[27] There was always a danger that the passing away of Justin would witness a reassertion of aristocratic interests at court. Accordingly, the ailing emperor had named his nephew co-ruler in the April of 527, and, prior to his death, had ensured the minting and distribution of coins bearing both their images.[28] The aim was clearly to make Justinian's accession to the throne as much of a *fait accompli* as possible.

This strategy evidently worked, at least in the short-term, and Justinian became sole emperor in the face of relatively little, or at least, poorly articulated, opposition. As the military and financial pressures on the East Roman state mounted, the imperial crown had thus come into the possession of a military man of humble social origin whose commitment to the ideology of empire was absolute, but whose deference to the imperial aristocracy is likely to have been minimal. Accordingly, under Justinian, we see a concerted effort to restore the authority, autonomy, and dignity of the imperial office, and to shore-up the fiscal and administrative structures of the state. This necessarily brought the emperor into conflict with elements of the land-owning elite who had come to dominate provincial life. 'Government by notables' was subjected to careful scrutiny and found wanting.

IUSTINIANUS PIUS PRINCEPS

One of Justinian's first priorities was to reassert imperial control over the religious life of his subjects. The sincerity of Justinian's motives in this respect cannot be doubted: even when at his most critical in the *Anecdota*, Procopius places emphasis on Justinian's active interest in the theological disputes of his day, and his determination to crush or punish those for whose rehabilitation within orthodox Christianity there could be no hope.[29] Amongst the first acts of the new emperor in the year 528–9 were measures instituting the concerted persecution of educated pagans, heretics, and homosexuals.[30] Similarly, the year 532 saw the first of Justinian's repeated efforts to reconcile the pro- and anti-Chalcedonian elements within the

[27] See Alan Cameron 1978: 259–76. [28] See Bellinger 1966: 57.
[29] Procopius, *Anecdota* 13.7: 'For in his zeal to gather all men into one belief as to Christ, he kept destroying the rest of mankind in senseless fashion.'
[30] See Honoré 1978: 14–15 for a useful compendium of the source evidence.

Church. This attempt combined a genuine effort to establish a theological position with which all could concur, with a ruthless determination to punish and exclude those bishops who had led resistance to the imperial authorities. Within the parameters of Nicene Christianity, there was room for believers to engage in sincere dialogue and debate, but those who had shown the temerity publicly to gainsay the imperial will as expressed by an Ecumenical Council could not be left in office.[31]

These practical efforts to restore the unity of the Church and improve the moral character of his subjects were also associated with a determined effort to reposition the figure of the emperor within the conceptual framework of orthodox Christianity. The ideological character of this repositioning was most forcibly expressed by Justinian in the preface to his constitution of 6 March 535, addressed to the Patriarch Epiphanius, in which the Emperor sought to define the nature of the relationship between imperial authority (*imperium*) and the priestly office (*sacerdotium*). This measure was significant in that, to an extent unprecedented in the history of the Christian Empire, Justinian asserted two points. The first of these was that both the imperial office and the priestly 'proceed from one and the same principle and regulate human life'.[32] Second, irrespective of the common source of both offices, it was ultimately the task of the *imperium*, rather than the *sacerdotium*, to regulate the spiritual life of both layman and priest alike. As Dvornik wrote, Justinian 'limited the function of the *sacerdotium* to intercession on behalf of the *imperium*'.[33]

This repositioning of the emperor at the very centre of the religious life of his Christian subjects was mirrored representationally and ceremonially. As Averil Cameron has remarked, Justinian's rebuilding of the monumental heart of his capital, laid waste after the Nika insurrection of 532, was associated with the creation of a public space in which to unite imperial and religious ceremonial.[34] In the triumph organised for the General Belisarius in 559, the secular *adventus* was combined with the saying of prayers for the soul of the emperor's wife, the deceased Empress Theodora. As Cameron has stated, 'small hints show that a regular pattern of imperial behaviour now existed, interwoven with the religious calendar'.[35]

Justinian's religious policies were also informed, however, by the social and political imperatives of the age: in particular, the need to curtail aristocratic influence and restore imperial authority in the provinces. At a provincial level, alongside the landowner and the governor, stood the authority of

[31] See Brock 1981: 87–121. [32] *J.Nov*. 6, *proemium*.
[33] Dvornik 1966: II, 817 and, more recently, Dagron 1996: 312–13.
[34] Averil Cameron 1981: 209. [35] Ibid. 210.

the bishop. The ever closer association between *imperium* and *sacerdotium*, and the ongoing Christianisation of the imperial office, potentially offered some means of binding the Church ever more tightly to the person of the emperor, permitting him to use the Church to disseminate the imperial will. The Church could be used as a counter-weight to aristocratic influence in the provinces. It is instructive, for example, that Procopius accuses Justinian of having sought to build up ecclesiastical estates at the expense of lay landowners:

> In trying cases he thought that it was a demonstration of his piety if any man for allegedly religious purposes, in seizing something that did not belong to him, having won the case, would go away scot-free. For he thought that justice consisted in the priests' prevailing over their antagonists. And he himself, upon acquiring by means which were entirely improper the estates of persons either living or deceased and immediately dedicating them to one of the churches, would feel pride in this pretence of piety, his object, however, being that the ownership of these estates should not revert to those who had been robbed of them.[36]

Growing Christianisation of the imperial office, of imperial ceremonial, and the imperial image also offered some means of strengthening the tie between emperor and subject in a more effective manner than was perhaps possible through secular expressions of imperial authority. It constituted a direct appeal to the piety of his subjects. Of course, this could only work if his subjects were Christian. It is not surprising, therefore, that Justinian's reign saw not only the persecution of educated (and, presumably aristocratic) pagans, but also efforts at mass conversion to Christianity amongst non-Christian elements within the general population.[37] Indeed, even Justinian's persecution of minority groups may have been partly politically motivated. Any educated man was potentially vulnerable to the accusation of paganism, just as any unmarried man could easily be accused of homosexuality. The legislation against 'Hellenes' and homosexuals could thus be used to intimidate, discipline, and control members of both the senatorial elite and the episcopacy. It is perhaps no coincidence that 'the only persons known by name to have been punished for homosexual acts were prominent bishops'.[38] As Procopius, again, put it:

[36] *Anecdota* 13.5–7: δίκας τε . . . δικάζων τὰ ὅσια ποιεῖν ᾤετο, ἤν τις ἱερῶν λόγῳ τῶν τι οὐ προσηκόντων ἁρπάσας νενικηκώς τε ἀπιὼν οἴχοιτο. τὸ γὰρ δίκαιον ἐν τῷ περιεῖναι τοὺς ἱερέας τῶν ἐναντίων ᾤετο εἶναι. καὶ αὐτὸς δὲ κτώμενος ἐξ οὐ προσηκόντων τὰς τῶν περιόντων ἢ τελευτηκότων οὐσίας, καὶ ταύτας τῶν τινι νεῶν εὐθὺς ἀντιτιθεὶς τῷ τῆς εὐσεβείας ἐφιλοτιμεῖτο παραπετάσματι, ὡς μὴ ἐς τοὺς βιασθέντας ἡ τούτων αὖθις ἐπανίοι κτῆσις.

[37] For conversion see Trombley 1985: 327–52.

[38] See Malalas 18.168 and discussion in Boswell 1980: 172–3.

Afterwards he also prohibited pederasty by law, not inquiring closely into offences committed after the enactment of the law but concerning himself only with those persons who had been caught by this sickness at some time in the past. And the prosecution of these cases was carried out in a reckless fashion, since the penalty was exacted even without an accuser, for the word of a single man or boy, and even if it happened to be a slave compelled against his will to give evidence against his owner, was considered definite proof. Those who were thus convicted had their private parts removed and were paraded through the streets. At first, however, this punishment was not universally applied, but rather upon those reputed to be Greens or exceptionally wealthy or those who in some other way happened to have offended the rulers.[39]

JUSTINIAN'S REFORM PROGRAMME

Justinian's religious and ecclesiastical policies went hand-in-hand with the codification and reformation of the civil law.[40] As with his religious policies, the emperor's legal project, initiated in 528 and completed by 534, combined both a practical and ideological dimension. The practical aspect consisted of the creation of a clear and accessible textbook which was to serve as the basis of legal education within the empire, the collation and homogenisation of the texts of the classical jurisconsults, and a similar collection, homogenisation, and codification of the decrees of the Roman emperors: the *Institutes*, *Digest*, and *Codex* respectively.[41] To whatever extent in the past the opinions of the jurisconsults and the edicts of individual emperors had been in disagreement, they were to be reformed to express a single opinion and will: the will of the Emperor Justinian. Herein lay the ideological dimension. The laws were remodelled to serve contemporary needs, and the emperor was established as the one and only legitimate source of law: he was the 'law animate'.[42] Procopius even complains that Justinian

[39] *Anecdota* xi 34–6: μετὰ δὲ καὶ τὸ παιδεραστεῖν νόμῳ ἀπεῖργεν, οὐ τὰ μετὰ τὸν νόμον διερευνώμενος, ἀλλὰ τοὺς πάλαι ποτὲ ταύτῃ δὴ τῇ νόσῳ ἁλόντας. ἐγίνετό τε ἡ ἐς αὐτοὺς ἐπιστροφὴ οὐδενὶ κόσμῳ, ἐπεὶ καὶ κατηγόρου χωρὶς ἐπράσσετο ἡ ἐς αὐτοὺς τίσις ἑνός τε ἀνδρὸς ἢ παιδὸς λόγος, καὶ τούτου δούλου, ἂν οὕτω τύχοι, καὶ ἀκουσίου μαρτυρεῖν ἐπὶ τὸν κεκτημένον ἀναγκασθέντος, ἔδοξεν εἶναι ἀκριβὴς ἔλεγκος. τούς τε οὕτως ἁλισκομένους τὰ αἰδοῖα περιῃρημένους ἐπόμπευον. οὐκ ἐς πάντας μέντοι κατ᾽ ἀρχὰς τὸ κακὸν ἤγετο, ἀλλ᾽ ὅσοι ἢ Πράσινοι εἶναι ἢ μεγάλα περιβεβλῆσθαι χρήματα ἔδοξαν ἢ ἄλλο τι τοῖς τυραννοῦσι προσκεκρουκότες ἐτύγχανον.

[40] For which see Honoré 1978.

[41] See Humfress 2005: 161–84.

[42] For the 'law animate' see *J.Nov.* 105.2.4. That the codification and Justinian's legislation were meant to serve contemporary needs, rather than being a mere antiquarian gesture, is implicit in the terms in which Justinian describes them – thus he states in *C.Tanta* 18 'For this reason God has imposed imperial power on men: *that it shall complete wherever necessary what is lacking to human nature and fence it round with fixed laws and regulations*.' Similarly, *J.Nov.* 73 *proemium* describes the emperor's

refused to permit his chief legal officer, the *quaestor*, to read out the laws he had drafted, insisting instead that the emperor deliver the words himself.[43] In this sense, *lex scripta* was becoming *verbum imperatoris*. So determined was the emperor to assert his sole authority, that the senate was left sitting 'as if in a picture'.[44]

The clarification, remodelling, and homogenisation of the laws of the empire were meant to be of practical effect. This emerges most clearly in the imperial edict *Imperatoriam Maiestatem*, promulgated in the year 533, which announced the completion of the *Institutes*. In this edict, as we have seen in the Introduction, Justinian expressly states the purpose of the reformed law of the empire to be that of ensuring that the emperor stood victorious 'over troublemakers, driving out their wickedness through the paths of the law'.[45] The image of the *imperator triumphans*, which was to be deployed to such great effect in Justinian's celebration of Belisarius' victory over the Vandal kingdom of Africa and in subsequent imperial ceremonies, was evoked to signal the emperor's determination to render more effective the writ of imperial law within the provinces.[46]

The process whereby Justinian sought to achieve this was essentially twofold. First, so as to render access to the reformed law more practicable on the part of his subjects, Justinian issued a constitution in January 535 reforming appellate procedure, attempting to reinvigorate gubernatorial courts.[47] Second, the infrastructure of provincial administration was overhauled so as to strengthen the authority of provincial governors, to tighten their grip over their provincial *officia*, and to extricate them from the entanglements of local patronage networks by dramatically improving their stipends. At the same time, the emperor sought to increase local supervision of provincial governors.[48]

In 528 Justinian reintroduced the prohibition on imperial officials acquiring property by gift or purchase during their period of office in a province, a prohibition that had fallen into desuetude under Theodosius II (r. 408–50), whose period of rule had witnessed major advances in *patrocinia*.[49] In 535 the emperor prohibited the sale of provincial governorships.[50] Simultaneously, governors were issued with a detailed and standardised set of instructions.

divine duty as being to 'adapt the laws to the variety of nature'. Laws derived from immutable moral concepts must thus be reshaped to address the historically mutable character of creation.

43 Procopius, *Anecdota* 14.3. 44 *Anec.* 14.8: ὥσπερ ἐν εἰκόνι.

45 *C.Imp.Mai. proemium* (published before *J.Inst.*): 'per legitimos tramites calumniantium iniquitates expellens'.

46 For Justinian's victory celebrations, see McCormick 1986: 64–8.

47 See the highly perceptive discussion by Maas 1986: 17–31.

48 See A. H. M. Jones 1964: I, 281–2. 49 See ibid. 437. 50 *J.Nov.* 8.

At a civic level, the office of the *defensor civitatis* was bolstered, as Jones put it, 'that its holders might be more effective champions of the provincials against governors' malpractice'.[51] Justinian attempted to curtail the opportunities for corruption open to governors not only by strengthening the *defensor*, but also by encouraging bishops to take an ever more active role in provincial affairs and report back to the emperor any sign of incompetence or venality.[52] The bishop was turned into the emperor's 'eyes and ears' in the provinces.

Justinian's legislation on governors records that they were to demand from the collectors of the public taxes precise details of all the landholdings, individuals, and estate properties from which fiscal payments were due, and how much had been received. Those unable to provide these figures were to have their hands cut off.[53] *Curiales* and others were to be prohibited from seizing estate settlements (*choria*) which had been sold by one landowner to another, irrespective of any temporary confusion as to who possessed title.[54] Above all, governors were to ensure that landowners who erected signs over the estate settlements and urban factories of others, claiming ownership to them, were to have their own property seized.[55] Provincials were to be banned from bearing arms or maintaining armed retainers.[56] Lastly, Justinian ordered that governors refrain from issuing licences of fiscal exemption. Under cover of these licences, landowners had been collecting taxes from their peasants, only to hold on to them.[57] The same illicit practice had also been engaged in, we should note, by the Church.[58]

These general instructions to governors set the tone for much of Justinian's subsequent provincial legislation. Between 535 and 539 Justinian legislated on the administrative and gubernatorial structure of no fewer than seventeen provinces, in what Stein described as his great 'struggle against abuses'. At the heart of this struggle we may observe the imperial authorities wrestling with the burgeoning influence of elements of both the senatorial aristocracy and the provincial magnate elite.[59] Time and again, we encounter tax evasion, the seizure of property, the maintenance of bands

[51] *J.Nov.* 17, *J.Nov.* 15, A. H. M. Jones 1964: I, 179–80. [52] Stein 1949: II, 399–400.
[53] *J.Nov.* 17.8 (a. 535): καὶ ζημίαν μεγάλην καὶ χειρὸς ἀφαίρεσιν. [54] Ibid. 17.8.
[55] *J.Nov.* 17.15: Σάνιδας δὲ ἐπιτιθέναι χωρίοις ἀλλοτρίοις ἢ ἐργαστηρίοις ἐν πόλεσι διακειμένοις καὶ ἐπιγράφειν τὰς ἑαυτῶν προσηγορίας οὕτω τοῖς τολμῶσιν ἐπικίνδυνον καταστήσεις, ὡς γινώσκειν, ὅτι ταῦτα πράττοντες αὐτοὶ τὴν ἑαυτῶν περιουσίαν προσάψουσι τῷ δημοσίῳ.
[56] *J.Nov.* 17.17.
[57] See *J.Edict* 2: Περὶ τοῦ μὴ παρέχειν ἄρχοντας ἀσυλίας λόγον ἐπὶ δημοσίαις προφάσεσιν. The edict declares that those who collect taxes may thus πλείστην δὲ μοῖραν παρακατέχειν.
[58] See *J.Edict* 10.
[59] Stein 1949: II, 437, 446–83 provide a detailed account of the reforms as a whole.

of armed thugs. The explicit targeting of members of the aristocracy as villains in much of this legislation is highly significant, as, at a rhetorical level, it served to distance the person of the emperor, in whose voice the legislation spoke, from the power and abuses of the aristocracy. In his constitution on the province of Phoenecia Libanensis, for example, Justinian demanded that the governor restrain the 'households of the mighty';[60] as we have seen in relation to *buccellarii*, the lawlessness of the magnates of Cappadocia had made the emperor go red with anger. We must assume that this rhetoric was primarily aimed at a provincial audience whose members had witnessed magnate abuses at first hand.[61] We see a similar policy of deliberately distancing the person of the emperor from the imperial aristocracy, both actually and symbolically, in Justinian's reliance upon 'new men' at court, such as his *quaestor* Tribonian, and his praetorian prefect, John the Cappadocian, or his use of outsiders, such as the Persarmenian general Narses. Justinian surrounded himself with 'a group of talented people of humble backgrounds'.[62] At the same time, Justinian sought to maximise his personal control over the higher reaches of the imperial aristocracy, through exercising strict control over the distribution of senatorial status and rank.[63] For once the powers of patronage were to be turned against the elite.

The abuses of the mighty are vividly described in the Justinianic legislation.[64] The illegal erection of signs and boundaries to claim the lands of others, already encountered in the trans-imperial legislation on governors, is specifically referred to in the legislation on the Helenopontus, where the governor or Moderator was ordered to smash such placards on the malefactor's head.[65] In Paphlagonia landowners were to be beaten for the offence.[66] The same phenomenon was recorded for Cappadocia, where the 'powerful' were also accused of seizing control of imperial estates, which had, as a

[60] *J.Edict* 4.2: τῶν δυνατῶν οἴκων.

[61] See the excellent discussion by Roueché 1998: 88–9.

[62] Moorhead 1994: 31.

[63] Note also Haldon's perceptive comments on how 'Several changes seem to have followed the so-called Nika revolt in 532, in which Constantinopolitan senators appear to have been heavily involved. It is important to appreciate the nature of these changes, for they reflected a deliberate attempt by Justinian to exert a greater degree of authority over the leading elements in society. He carefully redefined the role and establishment of the senate, for example: senators henceforth played an active part in legal appeals to the imperial court, sitting together with the *consistorium* . . . and according to whether they had office or not. While sons of senators inherited the grade of *clarissimus* only, the emperor could be petitioned for one of the higher grades . . . The net result was to emphasise the senate's dependency upon the imperial court and to strengthen the emperor's position in relation to the leading senators, even if this did not materially affect the ways in which senators could wield influence in the provinces through ownership of land and tenure of office'; Haldon 2005: 39–40.

[64] See the excellent discussion in Kaplan 1992: 173.

[65] *J.Nov.* 28.5.

[66] *J.Nov.* 29.4.

result, effectively become private property.[67] As well as the violence and lawlessness engaged in by landowners, the legislation also describes what may well have been increasingly violent resistance on the part of those village communities that survived beyond the great estate. Thus the legislation on Pisidia refers to large and populous villages which frequently engaged in tax evasion, as well as detailing acts of lawlessness and murder on estate settlements.[68] The inhabitants of Lycaonia are described as both tax-shy and violent.[69] A later constitution on the Pontus describes the inhabitants as inveterate thieves and murderers whose menfolk frequently bore arms and were not afraid to use them.[70] The Moderator was to restrain all wrongdoers, be they priests, holders of imperial office, landowners, or just private citizens.[71] The list is instructive: violence and disorder bred the same.

It is from Justinian's lengthy but fragmentary edict of 539 on Egypt that we perhaps derive our clearest sense of the emperor's determination to reassert imperial control over provincial life. The state of affairs within Egypt is described in the preface as threatening the very cohesion of the state.[72] The emperor notes that the imperial authorities in Constantinople had lost all semblance of understanding of what was going on in the region, and that while taxes were apparently being collected, they were not making their way to the imperial capital. Rather, they were being siphoned off by the leading members of local society, including governors and pagarchs, the offices with which members of the magnate land-owning elite were most commonly associated.[73]

The imperial response was forthright. Provincial administration was broken up; the augustal prefect was granted command over Alexandria 'and the two Egypts', and the *dux* of the 'two Thebaids' was accorded equal status to him, 'for', Justinian noted, 'the mind of a single human being would never be able to cope with so many cares and thus so manage the business as to produce in it an appearance that would be satisfactory to us'.[74] The governors saw their stipends substantially increased, and the military and civil *officia* beneath them were merged, so as to ensure closer co-operation between the two arms of provincial administration.[75] Fiscal

[67] *J.Nov.* 30.8 for illegal land claims. For imperial estates, see 30.5: ἡ ταμειακὴ δὲ κτῆσις ἤδη σχεδὸν ἰδιωτικὴ γέγονεν ὅλη.

[68] *J.Nov.* 24.1: καὶ κῶμαι μέγισται κατ᾽ αὐτήν εἰσι καὶ πολυάνθρωποι καὶ πολλάκις πρὸς αὐτοὺς στασιάζουσαι τοὺς δημοσίους φόρους καὶ τοῖς τε ληστρικοῖς ἐκείνοις καὶ ἀνδροφόνοις χωρίοις.

[69] *J.Nov.* 25.

[70] *J.Edict* 8 (a. 548 – reversing earlier legislation) *proemium*.

[71] *J.Edict* 8.3: ἀναστελεῖ καὶ τοὺς ἀδικοῦντας, εἴτε ἱερεῖς, εἴτε ἄρχοντες εἶεν εἴτε καὶ κτήτορες ἢ καὶ ἰδιῶται τυχόν.

[72] *J.Edict* 13 *proemium*: (τὰ πράγματα) τὰ μέγιστά τε καὶ συνέχοντα τὴν ἡμετέραν πολιτείαν.

[73] *J.Edict* 13 *proemium* lines 10–15.

[74] Ibid. lines 19–20.

[75] *J.Edict* 13.2 and 13.25.

order was to be imposed on Egypt by a clearer articulation of the structures of government and positive inducements to greater loyalty to the emperor. A determined effort was made to curtail the granting of licences of fiscal exemption by gubernatorial and ecclesiastical officials.[76] Governors, tax-collectors, and their heirs were to bear full personal liability for any sums they did not collect, at a punitively high rate of exchange between payments in kind and payment in coin.[77] As Justinian declared of the *dux* of the Thebaid:

> Unless within the aforementioned time-limitations all the corn, both of the felicitous conveyance sent hither [to Constantinople] and that of the food supply of the [city] of the Alexandrians be dispatched to the [city] of the Alexandrians and all be delivered to the *spectabilis augustalis*, then he shall himself supply the deficiency, every missing measure of corn not delivered [being demanded in payment] at the rate of one *solidus* for every three *artabas*. And this liability will not only persist for the course of his lifetime or until the end of his period in office, but rather he will bear the exaction even after he has become a private citizen and after he has died and far beyond his death, for his heirs and his properties will be held liable to such burdens, his indolence bequeathing to them perpetual liability, responsibility, and right of exaction.[78]

Soldiers who failed fully to co-operate in the collection of taxes faced the threat not only of being sent to serve on the empire's inhospitable and menacing northern frontier, but were even to be liable to the death penalty.[79] Taxpayers who resisted the demands made of them were to be exiled and their property confiscated.[80] Far greater central control was to be exercised over the appointment and dismissal of pagarchs, whose tenure of office was to be dependent on a letter of appointment conferred by the emperor and the praetorian prefect.[81] Corrupt or inefficient pagarchs were to face the confiscation of their family estates, which would be handed over to their successors. Once again, in relation to the Thebaid, the Emperor ordained that

[76] *J.Edict* 13.10 and 13.28. [77] *J.Edict* 13.4, 13.6, and 13.24.

[78] *J.Edict* 13.24: ὡς εἰ μὴ κατὰ τὰς εἰρημένας προθεσμίας πᾶς ὁ σίτος, τῆς τε αἰσίας ἐμβολῆς τῆς [τε] ἐνταῦθα στελλομένης τοῦ τε τροφίμου μέχρι τῆς Ἀλεξανδρέων ἐκπεμφθείη κατὰ τὴν Ἀλεξανδρέων καὶ ἅπας παραδοθῇ τῷ περιβλέπτῳ αὐγουσταλίῳ, καὶ οὐ πᾶν αὐτὸς προσστήσοιτο παντὸς κατὰ τριῶν ἀρτάβων <ὑπὲρ> ἑκάστου νομίσματος τοῦ σίτου τὸ ἐλλεῖπον καὶ μὴ παραδοθὲν μέτρον. ὁ δὲ κίνδυνος οὗτος οὐ μέχρι τῆς αὐτοῦ στήσεται ζωῆς οὐδὲ μέχρι τῆς ἀρχῆς ἀλλὰ καὶ ἰδιώτης γενόμενος καὶ τελευτήσας μακροτέραν τῆς αὐτοῦ τελευτῆς ἕξει τὴν ἀπαίτησιν κληρονόμοι τε γὰρ αὐτοῦ καὶ τὰ αὐτοῦ πράγματα ταῖς τοιαύταις ἐνέξονται δυσκολίαις, τῆς ἐκείνου ῥαθυμίας διηνεκῆ διδούσας κατ᾽ αὐτῶν κίνδυνόν τε καὶ φροντίδα καὶ εἴσπραξιν.

[79] *J.Edict* 13.9 and 13.11. [80] *J.Edict* 13.11. [81] *J.Edict* 13.12 and 13.25.

If he [the *dux*] should find any of the pagarchs, for whom he bears liability, defaulting in relation to the felicitous corn supply or the [charges] relating to the freight and the expenses disbursed in the country, he will not, however, remove them, but rather will place them under guard and seek around for others suitable for the business and he will declare all this to the office of Your Eminence [i.e. the praetorian prefecture] so that through You and those who at the time hold the same magistracy as yourself, the matter be brought to the imperial court and it shall receive its administrative solution from here, with those accused of defaulting, if we so decide, being driven out [of office] and those chosen in their place, if that is we should judge them suitable, replacing [them] and entering into their pagarchies and estates.[82]

Throughout, the threats made towards pagarchs, tax-collectors, soldiers, and governors make it clear that the major structural problem with the administration of the region had been the connivance of these groups in tax evasion and fraud. It was an inevitable feature of a society in which those individuals with the greatest vested interest in the evasion of taxes were also those to whom governmental responsibilities were entrusted. It was this vicious cycle that Justinian was attempting to break, primarily through emphasising the personal liability of such officials for any debts incurred by them. Only bishops were let partly off the hook. As Justinian decreed with respect to licences of fiscal exemption issued by the Church:

And if the archbishop, most beloved of God, should grant a licence contrary to the aforementioned [terms], the estate managers most beloved of God and the ecclesiastical *defensores* of the most holy church will have of necessity to settle the loss to the public [treasury] resultant therefrom from their own household and private wealth. And if they do not possess wealth, the sum required is to be forthcoming to the public [treasury] from the moneys and properties of the most holy church. And if they themselves should dare to grant a licence against the judgement of the bishop most beloved of God, not only will the licence granted be entirely invalid, but they themselves will repair the loss to the public [treasury], and as for the most blessed patriarch, if they were to do this against his judgement, he is to entirely remove them from the responsibilities which they hold and expel them from holy orders.[83]

[82] *J.Edict* 13.25: εἰ δέ τινας τῶν παγάρχων, ὑπὲρ ὧν καὶ κινδυνεύει ἀγνώμονας περὶ τὴν αἰσίαν σιτοπομπίαν ἢ περὶ τὰ τοῖς ναύλοις καὶ ταῖς κατὰ χώραν δαπάναις ἐπιδιδόμενα εὕροι, τούτους οὐκ ἀποκινήσει μέν ὑπὸ ἀσφάλειαν δὲ καταστήσει καὶ ἑτέρους ἀναζητήσει πρὸς τὸ πρᾶγμα ἐπιτηδείους καὶ μηνύσει ταῦτα τῷ θρόνῳ τῆς σῆς ὑπεροχῆς ὥστε παρὰ σοῦ καὶ τῶν ἀεὶ σοι [καὶ] τὴν αὐτὴν ἐχόντων ἀρχὴν εἰς τὴν βασιλείαν τὸ πρᾶγμα φερόμενον δέξασθαι τὴν ἐκεῖθεν διοίκησιν, τῶν μὲν ἐπ' ἀγνωμοσύνη κατεγνωσμένων εἰ συνίδοιμεν ἀπελαυνομένων, τῶν δὲ ἐπιλεγέντων ἐν τῇ χώρᾳ τούτων, εἴ γε ἡμεῖς ἐπιτηδείους εἶναι κρίναιμεν, ἀντικαθισταμένων καὶ εἰς τὰς ἐκείνων παγαρχίας τε καὶ οὐσίας ἐμβαινόντων.

[83] *J.Edict* 13.10: εἰ δὲ ὁ θεοφιλέστατος ἀρχιεπίσκοπος παρὰ τὰ εἰρημένα δοίη λόγον, ἀνάγκην ἕξουσιν οἱ θεοφιλέστατοι οἰκονόμοι καὶ οἱ ἐκκλησιέκδικοι τῆς ἁγιωτάτης ἐκκλησίας τὴν ἐντεῦθεν

In addition to these provincial and legal reforms, Justinian attempted to curtail the social and economic influence of great landowners, and maximise imperial revenues, by means of two further strategies. First, individual families, whose loyalty the emperor had reason to suspect, suffered direct confiscation of land.[84] This was a ruse that could not be employed too often, however, for fear of unleashing a concerted counter-attack on the part of other well-connected families fearful for their patrimony. Second, as early as 531 Justinian apparently reversed a reform of the Emperor Anastasius and transferred ownership and control of the *res privata* and *sacrum patrimonium* to the imperial household. That is to say, Justinian sought to establish his own private control over imperial estates. It is instructive that in Justinian's provincial legislation, the only landowner who was allowed to erect signs and placards claiming proprietary rights over the land of others was the imperial household.[85] If provincial society was coming increasingly to be dominated by magnate landowners, it was vital that the emperor establish himself as one.[86]

The years between Justinian's accession to the throne and the early 540s saw the most concerted period of active rulership the late Roman world had witnessed since the days of Diocletian. The attempted reassertion of central imperial control over the religious, legal, fiscal, and administrative life of the empire went hand-in-hand with Justinian's dramatic, albeit perhaps primarily opportunistic, reconquest of Vandal Africa and the opening phases of the reassertion of direct imperial rule over Ostrogothic Italy. Indeed it is highly likely that these western reconquests were in turn used by Justinian to attempt to bolster the 'imperial demesne' – a fact which would help to explain the emperor's use of members of his family in the subjugation and administration of the newly acquired territories.[87]

συμβαίνουσαν τῷ δημοσίῳ ζημίαν ἐπιγνῶναι οἴκοθεν καὶ ἐκ τῆς ἰδίας αὐτῶν ὑποστάσεως. εἰ δὲ μὴ εὐπορήσειαν, ἐκ τῶν τῆς ἁγιωτάτης ἐκκλησίας χρημάτων τε καὶ πραγμάτων τὸ ἱκανὸν τῷ δημοσίῳ γενήσεται. εἰ δὲ τολμήσουσι παρὰ γνώμην τοῦ θεοφιλεστάτου ἐπισκόπου αὐτοὶ δοῦναι λόγον, οὐ μόνον ἔσται τὸ δεδομένον παντελῶς ἄκυρον, ἀλλ' αὐτοὶ τὴν ζημίαν θεραπεύσουσι τῷ δημοσίῳ τοῦ μακαριωτάτου πατριάρχου, εἰ τοῦτο παρὰ γνώμην αὐτοῦ πράξειαν, πάντως αὐτοὺς καὶ ἀποκινοῦντος τῶν φροντίσεων ὧν ἔχουσι καὶ τῆς ἱερωσύνης ἐκβάλλοντος.

[84] This tactic is recorded by Procopius, *Anecdota* 12.1–13. Assaults on individual senatorial fortunes are described by Procopius to have predated the Nika insurrection, but to have become far more common in its aftermath, indicating an at least partly political motivation. The policy is also recorded in 19.11, where it is claimed that false charges relating to paganism, heresy, and homosexuality were made against provincial landowners of whose wealth the emperor was jealous.

[85] See *J.Nov.* 28.5 and *J.Nov.* 29.4.

[86] See Stein 1949: II, 423 for this interpretation and more generally Kaplan 1986: 70–96. Jones queried Stein's reading of the evidence, but acknowledged Justinian's determination to ensure for himself and the imperial office direct, independent, non-fiscal, access to revenues and resources. This policy was evident in the creation in 531 of *curatores dominicae domus*. See A. H. M. Jones 1964: 426–7.

[87] Such as Germanus in Italy. I am grateful to Dr Jonathan Conant for discussion of this point.

Each and every one of Justinian's policies was united by the common theme of the Roman emperor reasserting his full authority and majesty over the Roman world. Not only the illegitimate rulers of rightly Roman territory but also the illicit internal opponents of imperial government were to suffer the same humiliation, the same *calcatio*. Justinian presented this as his providential mission: it was a task, he informed John the Cappadocian, which 'God has granted to be kept for our times and your ministration'.[88]

Such a concerted series of reforms was bound to elicit internal opposition, not least on the part of those aristocratic interests to whom active imperial rule was not necessarily an attractive option. Although individual great landowners, such as Strategius Apion, would appear to have been committed to the Justinianic cause, others were much less so. Strategius' loyalty was, after all, almost entirely explicable in terms of his family's fall from grace under Anastasius. The first and most dramatic expression of aristocratic discontent was the Nika insurrection of 532, when members of the senatorial elite took advantage of the discontent of the Constantinopolitan mob to seek to ensure the dismissal of the emperor's right-hand men in the project of reform: John the Cappadocian and Tribonian. Ultimately, they sought, unsuccessfully, to replace Justinian with the figure of Hypatius, a scion of the Anastasian household, and thus a man less likely to disturb established patterns of life.[89]

Justinian, and, above all, his *quaestor* Tribonian, did nevertheless seek to placate conservative opinion by presenting reform as restoration, a propagandistic effort most evident in the antiquarian prefaces attached to much of Justinian's provincial legislation.[90] Indeed, given the relatively small sums spent on the wars of reconquest, it is tempting to regard Justinian's western forays as initially perhaps part of a prestige-garnering exercise on the part of the emperor, meant further to appeal to conservative opinion at home and to sweeten the pill of internal reform.[91] But as the reality of Justinian's

[88] See *J.Edict* 13 *proemium*: ἀλλ᾽ ἔδωκεν ὁ θεὸς καὶ τοῦτο τοῖς ἡμετέροις φυλαχθῆναι καιροῖς καὶ ταῖς σαῖς ὑπουργίαις.

[89] The most recent account is Greatrex 1997: 60–86. See also Alan Cameron 1978: 259–76.

[90] Maas 1986: 17–31. Maas' interpretation of the 'antiquarian prefaces' to much of the reform legislation need not necessarily exclude the perspective on the legislation advocated by Roueché 1998: 88–9, and in particular, the use in the legislation of Roman historical precedents: 'The novels are full of expressions of concern for the welfare of the provincials; but they are also full of language which suggests that the imperial government was not fully in control of provincial affairs and that the reforms were needed in order to re-establish such control. I would therefore argue that the purpose of the legislation was to restore the kind of control that the earlier Romans were perceived as having exercised.' See also Pazdernik 2005: 185–214.

[91] Note Brown's highly suggestive remark: 'Justinian was prepared to spend more money on impressing one Persian ambassador in Constantinople than on all the armies in the reconquered provinces.' Brown 1971a: 154.

objectives became increasingly plain, both in the legal sphere and in terms of administrative and fiscal policy, so too did any initial enthusiasm within elite circles begin to ebb away. Lydus' criticisms of the Cappadocian are severe, whilst even within his *Wars*, especially from the sack of Antioch in 540 onwards, Procopius' history takes on an ever more bitter and disillusioned tone.[92]

This is instructive, in that whilst Procopius' viciously anti-imperial *Anecdota* presents itself as a secret work, meant for circulation after the emperor's death, the *History of the Wars* clearly enjoyed a wide contemporary readership.[93] The work's increasingly critical tone therefore conveys a strong sense of the limitations of autocracy in the age of Justinian, and exemplifies the fact there existed a large, and perhaps expanding, audience for the dissemination of an essentially anti-Justinianic message. Certainly, criticism of the emperor in the *Wars* is veiled, but only very thinly; accusations made directly in the *Anecdota* are, instead, levelled indirectly: they are put in the mouths of foreigners, or are made by comparison or literary allusion. None of these are devices to which contemporaries would have been blind. Indeed, *Wars* 8 closes with a speech attributed to the Roman commander in Italy, John, on the destructive nature of extravagant ambition, which it is difficult not to read as a critique of the Justinianic project as a whole.[94] The evidence of Lydus and Procopius would suggest that, as time passed, sentiment was hardening against the emperor's reforms.[95]

THE IMPACT OF PLAGUE

At the same time, Justinian's efforts to overhaul the administrative and fiscal framework of empire were severely undermined by the advent of bubonic plague.[96] Originating in central Africa, the plague reached the empire for the first time via the Red Sea in the year 541.[97] From Egypt,

[92] For Lydus' criticism of John the Cappadocian, see *De Magistratibus* 3.57.

[93] Procopius, *Anecdota* 1.1–3 and *Wars* 8.1–3, written *c.* 553–4, which states that *Wars* 1–7 'have already been published and have appeared in every corner of the Roman Empire'. On the pretty explicit criticism evident throughout *Wars*, that would have been readily discernible to any educated reader (and any reader would have needed to be educated), see Kaldellis 2004.

[94] *Wars* 8.35.35.

[95] Justinian had, of course, barely survived the 'Nika' insurrection of 532. If opinion was hardening against the emperor in the late 530s, then it would be reasonable to associate anxiety at this increasingly hostile political context with Theodora's decision in 541 to move against John the Cappadocian and thereby head off yet another, perhaps insurmountable, wave of discontent. If Theodora's aim in removing John was that the emperor change course, her goal would have been further advanced in 541/2 by the death of Tribonian. See Procopius, *Wars* 1.25.2.

[96] See Horden 2005: 134–60.

[97] See Sarris 2002a: 170–2.

the plague soon spread to Constantinople, Palestine, Syria, Asia Minor, the Balkans, North Africa, and Italy. Both the cities of the empire and their rural hinterlands were severely affected by the initial impact of the disease and its subsequent recurrences, a fact attested by a wide range of contemporary eye-witness accounts. Procopius, who was present at the arrival of the plague in Constantinople, describes how, at one point, it struck down ten thousand victims in the city in a single day.[98] John of Ephesus witnessed 'villages whose inhabitants perished altogether'.[99] The population of the empire would appear to have been dramatically reduced. Not only did this mean much human misery, it also drastically diminished the number of tax-payers on whom the state could rely. The advent of the plague intensified an already discernible fiscal crisis.[100]

Some of our best evidence for this is recorded in the writings of Procopius. In Book 22 of his *Anecdota*, for example, Procopius launches a vicious attack on Peter Barsymes, first as *comes sacrarum largitionum* and second as praetorian prefect of the east, each of which posts he was to hold twice, initially serving as praetorian prefect in 543–6. Peter is accused of unashamedly depriving soldiers on campaign of their pay, and of conducting the sale of offices with scant regard to the interests of the emperor's subjects. During Peter's second period as Count of the Sacred Largesses, 547–50, Procopius records him as having sought to reduce the annual expenditure of the state on pensions, whilst himself embezzling the tax revenues and forwarding only a portion of them to the emperor. Although, in keeping with the personalising *genre* in which he was writing, Procopius attributes these policies to the malice and corruption of an individual, it is clear that he is describing an attempt on the part of the state to retrench expenditure, and he alludes to an apparent shortfall in fiscal income.[101]

Most significantly of all, Barsymes is accused, whilst *comes*, of 'making the gold coinage smaller', something which, Procopius claims, had never been done before.[102] This charge is made quite separately and distinctly from a later one contained within the *Anecdota* that Justinian altered the rate of exchange between the gold and the copper coinage: an innovation not blamed on Peter Barsymes and normally dated to the year 538 due to a series of heavy copper coins issued in that year.[103] The two policies, as stated, are described separately and should not be presumed to have been instituted concurrently.

[98] Ibid. 172. [99] Ibid. 173.
[100] Ibid. 175–7 for discussion of the literary and especially the numismatic evidence.
[101] *PLRE* III: 999–1002. [102] *Anecdota* 22.38. [103] *Anec.* 25.11–12.

The accusation that Peter Barsymes, as *comes sacrarum largitionum*, made 'the gold coinage smaller' is most readily explicable as a reference to the series of 'light-weight' *solidi* issued under Justinian, some of which weighed as little as twenty *siliquae* rather than the customary twenty-four. This policy is normally dated to the year 538 on the basis that both the heavy copper coins issued in that year and the light-weight *solidi* show a fully-facing bust of the emperor, rather than the three-quarter-facing bust normally associated with the *solidus*, and the profile bust which hitherto had characterised the *follis*.[104] Yet this iconographic affinity provides us with little more than a *terminus post quem* for the reform of the gold coinage. As an accurate dating for the light-weight *solidus*, 538 is unsatisfactory. Procopius clearly attributes the policy to Peter Barsymes as *comes sacrarum largitionum* – a post he is first attested to have held in the March of 542, and which he had vacated by the July of 543.[105]

The light-weight *solidus* is thus most likely to have been issued either in the year 542–3 or, more probably, during Peter's second period of tenure as *comes* between 547 and 550. That is to say, the policy coincided with the first ravages of the bubonic plague. In this context, the introduction of the coin makes sense as a measure by which the state sought to respond to a major shortfall in income occasioned by the disease, exacting payments in full *solidi*, whilst disbursing the lighter coins, just as, amidst the crisis of the early seventh century, the Emperor Heraclius decreed that the government was to make payments in the form of silver coinage but was to receive in gold.[106] The dramatic monetary instability of the mid sixth century provides clear evidence for fiscal instability on the part of the East Roman state.

THE FAILURE OF REFORM

A combination of political resistance and demographic attrition would appear to have forced Justinian's reform programme to a halt. By the end of the 540s the regime was, to all intents and purposes, exhausted. Legislation diminished to a trickle.[107] Within the newly reformed governmental structures, the aristocracy began to reassert its influence.[108] Even at court,

[104] Hendy 1972: 58, note 2. [105] *PLRE* III: 999–1002.
[106] *Chronicon Paschale*, trans. M. and M. Whitby (1989): 138–9, note 441.
[107] Of the 173 extant constitutions and edicts promulgated from 533 to 565, only 31 date from after 543.
[108] For this phenomenon within Egypt, see Stein 1949: II, 752–3. For the continuing expansion of magnate estates at the expense of both the Church and the *domus divina*, see Kaplan 1992: 176–7 and 179–80. Kaplan acknowledges that the evidence points to the expansion of at least certain

the senatorial party was in the ascendant, a fact that was to become most apparent upon the accession of Justin II in 565, whose backers would appear to have been primarily senatorial.[109] At the end of the day, the emperor's structural reliance on the imperial aristocracy for the administration of the empire proved decisive and insurmountable. As the anonymous author of the late-sixth-century dialogue *On Political Science* made clear, government could not operate without active aristocratic support.[110] In terms of the state's access to the fiscal resources extractable from its subjects, however, that support came at a heavy price. In 553 Justinian was obliged to remit taxes to those of his subjects who had fallen into arrears, although he emphasised that this was not meant as an invitation for landowners to line their own pockets with tax revenues they had already collected: 'as it would not be right for those sums handed over by our subjects not to be received by the public treasury, but rather to become a source of private wealth for others'.[111] This was, no doubt, more honoured in the breach than the observance.

Certainly, there is evidence that from the late 550s the imperial authorities were finding the costs of warfare increasingly difficult to meet. Malalas, for example, records that in 559 'the *scholae* rose up against their *comes* because of some payments they used to receive that had been abolished, so they attacked him'.[112] At the same time, it was becoming increasingly evident that the dispute over Chalcedon was essentially insoluble. In 553, at the Second Council of Constantinople, Justinian's theologians had in fact pieced together a formula that ought to have addressed the theological concerns of all parties involved. By this stage, however, the tradition of conflict over Chalcedon was so ingrained in the minds of the participants that few were interested in restoring peace to the Church. To do so would have been to show disrespect to the memory of the heroes of the previous generation whom each side revered.[113]

Justinian's attempted reassertion of imperial control over the fiscal and political structures of provincial society had delivered little. The inability of

aristocratic estates at the expense of both Church and Crown, but argues for a decadence of private great estates resultant from their tendency to lease out land on terms of ever greater permanence. It is thus Kaplan's conception of the *coloni* of the estates as tenant farmers that leads his argument astray.

[109] See Averil Cameron 1976: 131–2. and 165–6. Note also Averil Cameron's comments concerning a 'regrouping of the senate round Justin' in Cameron 1985: 250.

[110] See O'Meara 2003: 173.

[111] *J.Nov.* 147.1: τῶν ἀτοπωτάτων ὑπάρχον τὸ παρὰ τῶν ὑποτελῶν δεδομένον μὴ τὸ δημόσιον λαβεῖν, ἀλλ' ἰδιωτικὸν ἑτέρων κέρδος γενέσθαι.

[112] Malalas 18.132.

[113] Meyendorff 1968: 43–60.

the imperial authorities to squeeze tax revenues out of the great estates may have simply intensified the burden on others, fuelling animosity towards the imperial government. Thus, for example, between 525 and 567 the gold taxes levied on Aphrodito almost tripled, although how much even of this revenue actually reached the imperial coffers may be doubted.[114] On top of that, the Church had proved itself too theologically fractious to provide a cohesive counter-weight to aristocratic power. As a great landowner in its own right, the Church was, in any case, as Justinian's legislation demonstrates, heavily implicated in the corrupt practices and exploitative realities of provincial social relations.[115] Sharing a common economic interest, and more often than not, social background, the bishop and the great landowner were natural allies.[116] Setting them against one another was no easy task.

It is even possible to argue that Justinian's attempts to harness the social authority of the Church may have been positively counterproductive. Throughout the sixth century, a strongly secular subculture survived in elite circles.[117] So long as the cities of the empire remained intact as places of elite residence, and so long as the traditional classical literary curriculum remained available, that secular subculture was able to reproduce itself. As a result, conservatively minded members of the senatorial and curial classes are likely to have been far from uniformly sympathetic towards Justinian's programme of Christianisation. Some, such as Procopius, were vehemently hostile to it, dismissing Justinian's Christological concerns with the contemptuous aside that it was 'a sort of insane folly to inquire into the nature of God'.[118] Nor should we overstate the piety of even nominally Christian members of non-elite society. Here, as so often, it is from the documentary papyri that we catch our most vivid glimpses of life as actually lived. In *P.Oxy.* XVI 1832, for example, we possess a fascinating letter dating from the fifth or sixth century, probably written from one estate official to another. The author of the letter informs his correspondent that a woman from the village of Kegethis in the Oxyrhynchite had stolen 'the holy treasures of the Church of Aspidas' and that 'the headman of the villagers' was refusing

[114] Rémondon 1965: 401–30.

[115] For the Church as landowner, see especially Wipszycka 1972 and Annick 1996. Ecclesiastical estates were structured along the same lines as those of the lay aristocracy – i.e. they were bipartite in character. Thus both *coloni* and slaves belonging to estates are recorded in the Justinianic legislation, and, as we have seen, the *autourgiai* of ecclesiastical estates are recorded in the Acts and Decrees of the Second Council of Nicaea.

[116] See Laniado 2002: 153.

[117] See the excellent discussion in Kaldellis 2004 and Leader-Newby 2004: 173–216.

[118] Procopius, *De Bello Gothico* 5.3.5–9. See Kaldellis 2004: 165–73.

'either to surrender the holy treasures or hand over the woman'. This is not necessarily the pious peasantry of the historian's imagination.[119]

To the end of his reign, Justinian remained deeply unpopular in governing circles: a plot to assassinate him was uncovered as late as the year 562, by which point his regime had long since run out of steam.[120] Beset by plague, and mired in deeply entrenched social and political realities, a reign that had sought to achieve so much ultimately ended in failure.

THE 'SEIGNEURIAL REACTION' OF THE LATE SIXTH CENTURY

The accession to the throne of Justin II in 565 heralded a *rapprochement* between the imperial office, the senatorial aristocracy, and the leading members of provincial land-owning society. To an extent not seen since the days of Anastasius, the new emperor forged ahead with legislation and policies which reflected the political attitudes of the senatorial and landed elite, and which materially advanced the interests of magnate *geouchoi*. Our conservative classicising authors of the Justinianic period, for example, had been scathing of the Emperor Justinian's readiness (as they saw it) to pay large cash subsidies and diplomatic gifts to the empire's neighbours. Thus Procopius had lampooned the way in which Justinian

> never ceased lavishing great gifts of money on all barbarians, those of the east and those of the west and those to the north and to the south, as far as the inhabitants of Britain – in fact all the nations of the inhabited world, even those of whom we had never heard before, but the name of whose race we learned only when we first saw them. For they, of their own accord, on learning the nature of the man, kept streaming from all the earth into Byzantium in order to get to him. And he, with no hesitation, but overjoyed at this situation, and thinking it a stroke of good fortune to be dishing out the wealth of the Romans and flinging it to barbarians, or, for that matter, the surging waves of the sea, day after day kept sending them away, one after the other, purses stuffed with money.[121]

[119] Note the warning of Carr 1961: 13–14: 'when I read in a modern history of the Middle Ages that the people of the Middle Ages were deeply concerned with religion, I wonder how we know this, and whether it is true. What we know as the facts of medieval history have almost all been selected for us by generations of chroniclers who were professionally occupied in the theory and practice of religion, and who therefore thought it supremely important, and recorded everything relating to it, and not much else. The picture of the Russian peasant as devoutly religious was destroyed by the revolution of 1917.'

[120] Malalas 18.141 (493).

[121] Procopius *Anecdota* 19.13–16: τοὺς δὲ βαρβάρους ἅπαντας οὐδένα ἀνιεὶς καιρὸν χρήμασιν ἐδωρεῖτο μεγάλοις, ἑῴους τε καὶ ἑσπερίους πρός τε ἄρκτον καὶ μεσημβρίαν, ἄχρι ἐς τοὺς ἐν Βρεττανίαις ᾠκημένους καὶ γῆς πανταχόθι τῆς οἰκουμένης τὰ ἔθνη ὧνπερ οὐδὲ ὅσον ἀκοὴν πρότερον εἴχομεν, ἀλλὰ πρῶτον ἰδόντες εἶτα τοῦ γένους ὄνομα ἔγνωμεν. αὐτοί τε γὰρ πυνθανόμενοι τὸ τοῦ ἀνδρὸς ἦθος ἐπ' αὐτὸν δὴ ἐκ πάσης γῆς ξυνέρρεον ἐς Βυζάντιον, καὶ ὃς

Under Justin II, this policy was ended: John of Ephesus records that the Avar embassy sent to the new emperor was dismissed with the words:

> Never again shall you be loaded at the expense of this empire, and go your way without doing us any service: for from me you shall receive nothing . . . Do you dead dogs dare to threaten the Roman realm? Learn that I will shave off those locks of yours and then cut off your heads.[122]

Likewise, as we have seen, Justin II publicly denounced his predecessor's fiscal policies, declaring that he 'found the treasury burdened with many debts and reduced to utter exhaustion', a situation which, he noted, threatened the empire's military effectiveness.[123] Justin II nevertheless rewarded his subjects with a generous tax rebate, which, as ever, disproportionately favoured the wealthy.[124]

Crucially, it is under Justin II that, at a provincial level, we see the definitive fusing of imperial and aristocratic authority, a constitution of 569 decreeing that henceforth provincial governors were to be elected by the great landowners and bishops of the province concerned.[125] This procedure had already been introduced in Italy, where, by virtue of the Ostrogothic King Totila's attempts to mobilise slaves and *coloni* against their Roman masters, the Byzantine campaign of reconquest had effectively taken on the character of a social war.[126] As a result of Justin II's measure, provincial governorships became the preserve of the locally dominant aristocratic families, a situation recorded for us in the Lower Thebaid in the poems of Dioscorus. Accordingly, by the late sixth century, from the perspective of the peasantry, the urban poor, and other, more humble members of society,

οὐδεμιᾷ ὀκνήσει ἀλλ' ὑπερδόμενός τε τῷ ἔργῳ τούτῳ, καί τι καὶ ἕρμαιον εἶναι οἰόμενος τὸν μὲν Ῥωμαίων ἐξαντλεῖν πλοῦτον, βαρβάροις δὲ ἀνθρώποις ἢ ῥοθίοις τισὶ θαλασσίοις προΐεσθαι, ἀεὶ καθ' ἑκάστην αὐτῶν ἕκαστον ξὺν ἁδροῖς χρήμασιν ἀπεπέμπετο.

122 *The Third Part of the Ecclesiastical History of John Bishop of Ephesus*: 429.

123 *J.Nov.* 148: in terms of military effectiveness, he continues: καὶ τὸ στρατιωτικὸν δὲ παραρρυὲν ἤδη τῇ τῶν ἀναγκαίων ἀπορίᾳ, ὡς τὸ πολίτευμα ταῖς τῶν βαρβάρων ἐφόδοις τε καὶ ἐπιδρομαῖς ἀμέτροις καταβλαπτέσθαι.

124 Brown 1988: 28.

125 *J.Nov.* 149. Jones argued that the measure was reversed by Tiberius II in 574, but all that Tiberius' constitution really discusses is *suffragium*, which A. H. M. Jones interprets very narrowly as payment for office. See Jones 1964: I, 396; *J.Nov.* 161 (574); Liebeschuetz 2001: 122–3; Laniado 2002: 225–33 and Pieler 1990: 180–2 and 189–90. Jones' inference appears to be that because *suffragia* were being used to obtain governorships under Tiberius, the governors could no longer have been locally appointed. Yet it is highly doubtful that *suffragium* ever came to mean purely 'payment for office': in the sixth century it could still simply mean the social 'clout' and prestige that a powerful patron could deploy to his own advantage. See the discussion in Kelly 2004: 293–4, note 79 and Laniado 2002: 232: 'rien ne prouve que la Novelle 149 ait cessé d'avoir force de loi sous Tibère II et ses premiers successeurs'.

126 *J.Nov. Appendix* 7.12 (554). See de Ste Croix 1981: 482–3.

the private authority of the great landowner and the public authority of the Roman state had become essentially indistinguishable.

To a great extent, as we have seen, this was the culmination of a series of social processes that reached back to the world of the late third and early fourth centuries. Under Justin II the Eastern Empire returned to a course of social development that had been but briefly interrupted by the Justinianic reform programme. But there were also factors specific to the mid-to-late sixth century that may have catalysed the drawing together of emperor and aristocracy. These were factors associated with the impact of the bubonic plague and its implications for social relations.

There is clear evidence that, in the aftermath of the first wave of the bubonic plague of the 540s, agricultural labourers, artisans, and the urban poor had sought to take advantage of localised labour shortages to demand higher wages and negotiate lower rents. In the April of 545, for example, Justinian had complained of how tradesmen, artisans, and agricultural workers had 'given themselves over to avarice' and were demanding 'twice or even three times the prices and wages that had hitherto been the norm'.[127] At the same time, the Egyptian papyri record a marked improvement in the security of tenure enjoyed by lessees. On Banaji's figures, from the first half of the sixth century to the second, the proportion of leases of indefinite duration increased from some 17 per cent to 39 per cent. The proportion of leases of only one year's duration declined over the same period from 29 per cent to 9 per cent.[128] A new premium had evidently come to be placed on ensuring the continuous cultivation of land.[129] This was a situation from which the peasantry could derive tangible benefit.

The numismatic evidence for the rate of exchange between the gold and copper coinage is also highly suggestive in this context. As we have already seen, gold was the early Byzantine state's and the early Byzantine aristocracy's unit of account. The copper coinage, by contrast, was the medium used at a daily level by the urban poor, by artisanal workers, and by the workers on the great estates.[130] Accordingly, the fewer the number of *folles* per *solidus*, the greater the purchasing power of the more humble members of society. It is therefore highly significant that the evidence of coins produced at the eastern mints as a whole (excluding Egypt, where the system of base currency was rather different) shows the number of *folles* per *solidus* to have declined from some 360 between *c*. 498 and 538 to 180

[127] *J.Nov*. 122. [128] Banaji 2001: 238, Table 12.
[129] For a similar tendency in post-Black Death England, see Keen 1990: 53–7.
[130] See *P.Oxy*. LVIII 3958.

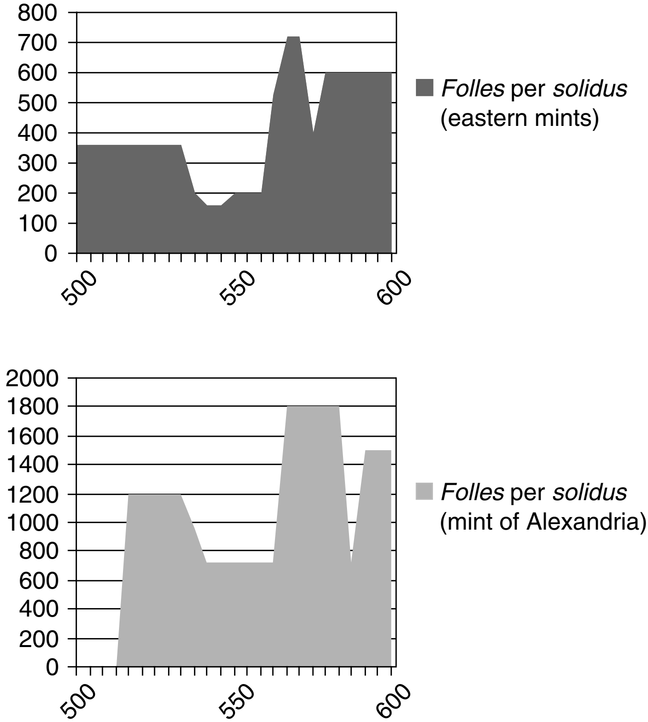


Figure 6 The rate of exchange between copper and gold *c.* 500–600

between 542 and 550 (see figure 6).[131] A similar trend in the rate of exchange between gold and copper is also evident amongst coins produced at the mint of Alexandria.[132] This would have represented a major and substantial improvement in the standard of living of much of the labouring population of the Eastern Empire.

From the 560s onwards, however, a very different pattern begins to emerge. The late sixth century seems to have witnessed a 'seigneurial reaction' on the part of great landowners and on the part of the Roman state aimed at reversing the gains made in the 540s and 550s by agricultural labourers, artisans, and the urban poor.[133] The Crown, as landowner and employer, the Church as landowner and employer, and the aristocracy of landowners and employers were drawn together by common interest and

[131] Noeske 2000: III, Table 25. We also see a similar alteration in the 'metallic ratio', i.e. the number of pounds of copper per *solidus*: see figure 7.

[132] Ibid. Table 25 A.

[133] For late-medieval and early-modern analogues, see Brenner 1976: 30–75.

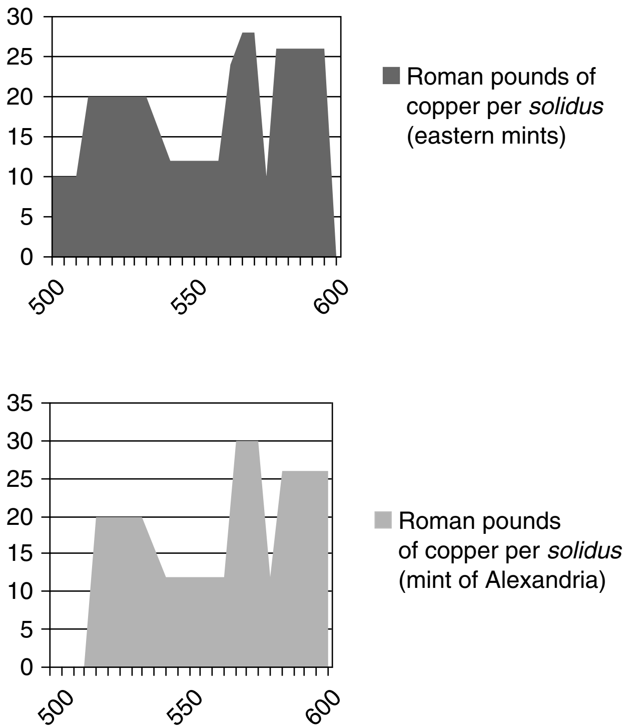


Figure 7 Copper weight per *solidus c.* 500–600

common purpose. It is specifically in this context that we should perhaps locate the *rapprochement* between emperor and aristocracy that took place in the reign of Justin II, a *rapprochement* from which the aristocracy clearly gained the most. As with the initial gains made by the *humiliores*, the 'seigneurial reaction' of the 560s is discernible in both the papyrological and numismatic record. It is instructive, for example, not only that the great estates recorded in the Egyptian papyri survived the ravages of plague substantially intact, but that, certainly as indicated by the testimony of the Apion archive, they were able to resume their expansion, even at the expense of imperial landholdings.[134]

Indeed, a very interesting feature emerges from the papyrological evidence. As seen in chapter five, over the course of the sixth century, the

[134] Two imperial estates adminstered by the Apion family around Oxyrhynchus *c.* 560 as recorded in *P.Oxy.* XVI 1915 appear in later documents such as *P.Oxy.* XXVII 2479 and *PSI* III 196, 197 and *P.Mert.* II 96 to have come into the full possession of the household.

administration of the Apion estates would appear to have become increasingly formalised and complicated in terms of procedure and secretariat. We see new, more distinct, contractual devices being employed to bind workers to the estate, and new ranks of estate administrator and official emerge, such as the figure of the landowner's representative or *antigeouchos*. The Apion estates were expanding and doing well, but perhaps primarily through ever tighter supervision, coercion, and control.

Across the empire as a whole, the late sixth century saw the improvement in the standard of living of the holders of the bronze coinage sharply and decisively reversed. Whereas, on the evidence of the eastern issues as a whole, *c*. 550 a *solidus* could be exchanged for 180 *folles*, by 565 that number stood at 525 *folles* and by 570 had reached 720 copper coins.[135] Again, the issues of the Alexandrian mint record the same pattern (see figure 6).[136] This can only have sown discord in the cities of the empire, where, as we have seen, readjustments in the rate of exchange between gold and copper frequently led to rioting.[137] The purchasing power of copper declined sharply, both in comparison to the gold coinage and absolutely: in the fifth century it was estimated that a man's basic daily requirements could be met for 3 *nummi* (three-eighths of a *follis*); by the end of the sixth century that number stood at 24.[138] From the reign of Justin II onwards the standard of living of many of the inhabitants of the east would appear to have been permanently depressed. This was a situation that was, arguably, to cost the empire dear.

[135] Noeske 2000: III, Table 25. [136] Ibid. Table 25A.

[137] See, for example, the testimony of John Malalas for the year 553: *Chronographia* 486 c. As Malalas states: 'In the month of March of the first indiction there took place a devaluation of the copper and an uprising occurred of the poor (ἐκ τῶν πτωχῶν στάσεως γενομένης) such that its din reached the emperor who ordered the rate of exchange of the copper to be kept at its former level.'

[138] Morrison 1989: 239–60, especially 244–59.

Conclusion

This study opened with two objectives. The first was to attempt to build up a social and economic context in which to situate the reign of the Emperor Justinian; the second was to consider the implications of the empire's pattern of social and economic development under Justinian for its subsequent post-Justinianic history.

Justinian's reform programme, as we have seen, effectively sought to stem the tide of over two centuries of social development within the Eastern Empire. The political and administrative reforms by which the Roman Empire had overcome the military and economic crises of the third century had, in the fourth, catalysed a dynamic process of elite formation across the Mediterranean world as a whole.[1] By virtue of this process, a new imperial aristocracy of service had come to dominate provincial landed society. In many ways, members of this new elite helped to bind the empire together, providing a nexus and point of contact between the world of the court and the world of the provinces. At the same time, the highly monetised bipartite great estates from which its members typically derived much of their private income bolstered and sustained economic growth. But at a more insidious level, the consolidation of this new elite's social and economic preponderance threatened to undermine the basis of empire, for members of the aristocracy of service were uniquely placed, by virtue of their social authority and the political positions that they held, to engage in acts of large-scale tax evasion and thereby to interrupt and diminish the flow of tax revenues on which the structures of the Roman state and, above all, the Roman army depended.[2]

This consolidation of aristocratic power was at least as marked a feature of social conditions in the western provinces of the late Roman world as in the eastern, and there exists considerable evidence that, in the fifth century, this pattern of tax evasion on the part of great landowners had

[1] For this phenomenon in the western empire, see Sarris 2004a.

[2] Haldon 2005 and Lee 2005.

played a major role in curtailing the effectiveness with which the western Roman authorities had been able to respond to the pressing and variegated military threats occasioned by the expansion of Hunnic power to the west and the impact of the Huns on the barbarian tribes along Rome's Rhine frontier.[3] A shortfall of military resources had led to a shortfall in arms, obliging Roman commanders and officials to cut deals with the barbarians in their midst, rewarding them with land, subsidies, and supplies in return for military service. Thus had begun the process whereby first the Roman army, and ultimately the Roman state in the west had 'delegated itself out of existence'.[4]

The westward focus of Hunnic military expansion and the *détente* in Roman–Persian relations that characterised the fifth century had enabled the Eastern Empire to survive this period substantially intact. Nevertheless, the expansion of aristocratic estates and the consolidation of magnate power at the grassroots of society had continued apace. As warfare with Sasanian Persia revived in the early sixth century, and, accordingly, as fiscal pressures on the East Roman state mounted, so too did the activities of aristocrats and landowners become a cause of growing concern to the imperial authorities. Superpower warfare demanded that the state shore up its fiscal foundations. It was this imperative that brought Justinian into conflict with members of the aristocracy and which provides the crucial social and economic background to his reform programme.

Due to demographic and political factors, not least the emperor's structural dependence for the governance of the empire on the assistance of magnate *geouchoi*, Justinian's attempted reassertion of imperial control over the fiscal and administrative structures of provincial government failed. Combined with the effects of plague, it is thus little surprise that the reigns of Justinian's successors should have witnessed ever greater fiscal frailty on the part of the East Roman state. Justin II, as we have seen, complained of near bankruptcy.[5] In 588 an attempt was made to reduce military pay by 25 per cent, leading to a major mutiny on the empire's eastern frontier. Further military resentment at imperial economies would appear to have contributed to the overthrow of the Emperor Maurice in

[3] Sarris 2002b and 2004a. See also Wickham 1984: 3–36.

[4] Collins 1991: 75–94.

[5] See A. H. M. Jones 1964: I, 304 and 310. Justin's consequent parsimony was notorious even in the west: Gregory of Tours (*Hist.* IV 40) records how 'defuncto igitur apud urbem Constantinopolitanam Iustiniano imperatore, Iustinus ambivit imperio, vir in omni avaritia deditus, contemptor pauperorum, senatorum spoliatur; cui tanta fuit cupiditas ut arcas iuberet fieri ferreas, in quibus numismati auri talenta congererit'. It is interesting that he shared a reputation with Anastasius as a 'despiser of the poor'. For a good summary of the evidence concerning retrenchment, see Mango and Scott's translation of *The Chronicle of Theophanes*: 357–8.

602/3, his replacement by Phocas, and the empire's subsequent descent into a protracted and bloody civil war that opened the way to Persian invasion.[6] The fall of Syria, Palestine, and Egypt to the Persians necessitated a response under the Emperor Heraclius, which, in turn, so exhausted the surviving nerve centres of the empire in Anatolia and Asia Minor as to render the imperial authorities incapable of driving back the challenge posed by the Arabs and the emergent forces of Islam in the 630s and the 640s.[7]

There are other ways too in which the empire's pattern of social and economic development in the sixth century may have facilitated first the Sasanian and then the Islamic conquests. First, as we have seen in chapter eleven, the failure of reform facilitated a major entrenchment of aristocratic power both at court and in the provinces of the empire. This was to have major implications for the cohesion and stability of the East Roman state and the effectiveness of its administration. For Egypt, for example, the *Chronicle of John of Nikiu* describes a world where central imperial authority was gradually receding from sight, leading to ever more destabilising effects. The Emperor Tiberius (r. 578–82) is recorded to have been reliant for the governance of the region on the figure of a certain Aristomachus, himself the son of an Egyptian prefect and landowner. Before taking up office, Aristomachus had been notorious for the brutality of his private armed retinue.[8] Likewise, the reign of Maurice (r. 582–602) witnessed two major revolts within Egypt. The first of these was caused by the emperor's attempted removal from office of members of a powerful Egyptian family, whilst in the second, a certain Azarias, along with his private army composed of 'Ethiopians', seized control of the imperial tax revenues.[9]

Second, the entrenchment of aristocratic power may well have helped to poison attitudes towards the Roman state on the part of a significant proportion of the peasantry, the urban poor, and other, more humble members of society. As we have seen, from the perspective of these groups, the private authority of the great landowner and the public authority of the Roman state had, by the late sixth century, become essentially indistinguishable. Accordingly, resentment at the actions and attitudes of the rich was readily translatable into political sedition, disloyalty, or apathy about the fate of the empire, each of which carried potentially serious military

6 See A. H. M. Jones 1964: I, 315 and Olster 1993.

7 See Howard-Johnston 1999: 1–44, especially 34–5.

8 *The Chronicle of John, Bishop of Nikiu*: 151–3. See also *PLRE* III: 118–19, Aristomachus 2.

9 *The Chronicle of John, Bishop of Nikiu*: 157–8 and 160. See also *PLRE* III: 1–2, Abaskiron.

implications. After all, the peasantry and the urban poor had every reason to feel resentful: by virtue of the demographic conditions resultant from plague, the middle years of the sixth century had been a boon time for them. These mid-century improvements in their standard of living had, however, been rolled back by the aristocratised state. The myth of a 'golden age' is a powerful one in any peasant society – the myth of a golden age denied even more so.[10]

Certainly, we should note that there is evidence for heightened social tensions leading to ever more destructive and bloody factional disputes and riots throughout the cities of the empire in the late sixth and early seventh centuries.[11] Much of the near-contemporary historiography blames these outbursts of violence on Phocas' usurpation of the throne. As Olster has argued, however, there is good reason to question this characterisation of the reign of Phocas as an age of anarchy – much of it was almost certainly derived from propaganda disseminated on behalf of his successor (and executioner) the Emperor Heraclius.[12] Yet it would perhaps be unwise to dismiss these accounts in their entirety, not least because they are confirmed by authors writing beyond the frontiers of the empire. As the *Armenian History* attributed to Sebeos, for example, records:

> Then there was no little turmoil in the Roman Empire – there in the royal capital, and in the city of Alexandria in Egypt, and in Jerusalem and Antioch. In all the regions of the land they took up the sword and slaughtered each other.[13]

In addition to John of Nikiu and the *Armenian History*, disturbances and riots are also described in the early-seventh-century *Doctrina Iacobi*.[14] Perhaps the most vivid account is that portrayed by the Thessalonican *Miracles of Saint Demetrius*:

> For you all know what clouds of dust the Devil stirred up during the years of the successor of the Emperor Maurice, of blessed memory, when he smothered love and sowed mutual hatred in all the east, in Cilicia, in Asia, in Palestine and the neighbouring lands up to Constantinople itself. The factions were no longer content merely to spill the blood of their comrades on the streets: they broke into one another's homes and slew the occupants mercilessly. Women and children, old and young, those who were too weak to save themselves by flight, they hurled from the windows of the upper floors; like barbarians they plundered their fellow citizens, their acquaintances, and their relatives, and put their homes to the flame so that

[10] I owe this suggestion to Professor Ian Blanchard of the University of Edinburgh.
[11] See the excellent summary and discussion of the sources in Liebeschuetz 2001: 249–83.
[12] Olster 1993. [13] *The Armenian History Attributed to Sebeos* chapter 31.
[14] *Doctrina Iacobi* (ed. Dérouche), 69–219.

not even the most wretched and poor inhabitant could escape . . . And just as a fire that is not tamed spreads itself with ease throughout the whole neighbourhood . . . so did the din of the eastern horrors resound throughout the cities of Illyricum, exciting within the hearts of some passions of material greed.[15]

The *Miracles* would suggest a strong social and economic dimension to these disturbances. Nor should it come as any great surprise that our sources record certain at least of the inhabitants of the late-sixth- and early-seventh-century Syrian and Mesopotamian war zones to have sought to take advantage of the dislocation caused by Roman–Persian warfare to settle social scores, and, perhaps, effect social change. The great aristocratic families of Antioch had long been notorious for their exploitation of the poor. It is thus highly suggestive that, in the context of the collapse of Roman defences in Upper Mesopotamia in 573, the ecclesiastical historian Evagrius wrote that the populace of Antioch had 'rebelled in its desire to begin a revolution, as often happens, especially at times such as these'.[16] Having grown up with plague and warfare, the Antiochene Evagrius had clearly seen it all before. Likewise, amidst the rioting that occurred in Antioch in 608/9, the (admittedly ninth-century) *Chronicle of Theophanes* records that the rioters 'killed many men of property and burnt them'. Theophanes identifies the rioters as Jews; the contemporary *Chronicon Paschale*, as soldiers; the *Doctrina Iacobi*, as a combination of Christians, Jews, soldiers, and civilians: irrespective, it is instructive that the wealthy seem to have been deliberately targeted.[17]

It would appear, therefore, that the ongoing 'aristocratisation' of the East Roman state, combined with the 'seigneurial reaction' of the late sixth century, heightened social tensions in the eastern provinces and fed

[15] *Miracula Sancti Demetrii* chapter 82–3: ἐπὶ τῆς μετὰ Μαυρίκιον τὸν τῆς εὐσεβοῦς λήξεως βασιλείας ἴστε σχεδὸν ἅπαντες οἵους κατὰ πόλιν ἤγειρε κονιορτοὺς ὁ διάβολος ψύξας τὴν ἀγάπην καὶ μισαλληλίαν ἐνσπείρας κατὰ τὴν ἀνατολὴν πᾶσαν καὶ Κιλικίαν καὶ Ἀσίαν καὶ Παλαστίνην, καὶ πάσας τὰς ἀμφὶ τὰ ἐκεῖσε μέρη πατρίδας, ἕως καὶ αὐτῆς τῆς βασιλίδος τῶν πόλεων, οὕτως ὡς μὴ μόνον ἐξαρκεῖν τοῖς δήμοις τὸ κατ᾽ ἀγορὰν αἵμασιν ἐμφυλίοις μεθύσκεσθαι, ἀλλ᾽ ἤδη καὶ πρὸς τὰς ἀλλήλων οἰκίας ἐπεισπηδᾶν, κὰι τοὺς αὐτόθι μὲν ἀποσφάττειν ἐλεεινῶς, ἢ καὶ διὰ ὑψηλοτέρων δωμάτων ἔτι ζῶντας ἀκοντίζειν ἐπὶ τὸ ἔδαφος, γύναιά τε καὶ παῖδας καὶ γέροντας καὶ νέους ὡς εἰκὸς ἀσθενεῖς, ὅσοι δἰ ἀδράνειαν σωμάτων ἐκφυγεῖν τὰς τῶν ἀνελθόντων μιαιφονίας οὐκ ἴσχυσαν, λεηλατεῖν δὲ βαρβάρων δίκην τοὺς ὁμοδιαίτους καὶ γνωρίμους καὶ ὡς εἰκὸς συγγενεῖς, καὶ μεθ' ἅπαντα ταῦτα καὶ τὰς οἰκίας αὐτὰς πυρπολεῖν, ἵνα μηδὲ οἱ κρυβέντες ὡς εἰκὸς κἂν ἐν πτωχείᾳ τὴν ζωὴν ποριζόμενοι διαλάθωσιν . . . οὕτω καὶ τὰς περὶ τὸ Ἰλλυρικὸν ἁπάσας πόλεις ἡ τῶν ἀνατολικῶν φήμη διανεμηθεῖσα κακῶν, τινὰς μὲν κατεζόφωσε τοῖς τῆς φιλαργυρίας θυμοῖς.

[16] Evagrius Scholasticus, *Ecclesiastical History* 5.9: καὶ ὁ δήμος ἐπανέστη νεωτέρων πραγμάτων ἄρξαι θέλων, οἷα φιλεῖ γίγνεσθαι καὶ μάλιστα παρὰ τοὺς τοιούτους καιρούς.

[17] *The Chronicle of Theophanes* a.m. 6101: ἐφόνευσαν καὶ πολλοὺς κτητόρων καὶ ἔκαυσαν αὐτούς. *Chronicon Paschale* indiction 13, year 8. *Doctrina Iacobi* (ed./trans. Dérouche) 1.40.

indifference to the fate of the empire on the part of the peasantry and the urban poor. This in turn may well have facilitated the speed of Persian, and also, possibly, Islamic invasion. That is not to say that the peasantry or the urban poor had any expectation that the Persians or the Arabs would prove to be better masters. But that, perhaps, is to miss the point. As Geoffrey de Ste Croix noted, in the first century AD the Roman slave Phaedrus preserved a highly illuminating fable which may well convey a strong sense of how elements at least of the peasantry, the urban poor, and the rank and file of the Roman army had always viewed the Roman state and the Roman governing classes. According to the fable, an old man was pasturing a donkey in a meadow when a hostile army suddenly appeared. As a result, the old man began to beg the donkey to flee with him. Instead, the donkey asked whether the enemy would make him carry two packs rather than one, and when his owner replied that they probably would not, the donkey resolved not to budge, with the words 'What does it matter whose servant I am, so long as I carry only one pack at a time?'[18] It is a fable that might have gone down well in early-seventh-century Syria, Egypt, or Palestine.

The 'seigneurial reaction' of the late sixth century is also likely to have carried rather more direct military implications which may help to explain the relative rapidity with which Rome's eastern frontier collapsed. First, at some point between the accession of the Emperor Maurice and the accession of the Emperor Heraclius, it would seem to have become common for the cash component of the military stipend issued to garrison troops to have come to be issued in bronze rather than gold (itself a sign of mounting fiscal crisis).[19] The dramatic diminution in the purchasing power of the copper coinage that we witness from the reign of Justin II onwards, is, therefore, likely to have had increasingly pronounced implications for the loyalty and morale of the military rank and file, as well as of the civilian population of the frontier zone. Throughout the sixth century, the obedience of military units and their readiness to fight on behalf of the emperor had been critically sensitive to the frequency with which the army's wages were paid.[20] During Justinian's reign, failure to pay troops adequately and on time had led to mutinies and defections not only in Africa and Italy, but also on the Syrian-Mesopotamian frontier. Thus in 540 the Roman garrison at Beroea, having failed to receive its wages, had deserted in order to join Khusro I's army.[21] As Greatrex has concluded:

18 de Ste Croix 1981: 444.
19 Haldon 1993: 224 and note 61.
20 See Greatrex 2000: 274–5.
21 Ibid. 274.

> the size and effectiveness of the Roman army was thus determined to a large degree by the punctual arrival of soldiers' wages. Consistent failure to pay the troops would reduce the army to a skeleton force, able to do little more than occupy a few strongpoints – and even these were vulnerable if subjected to close sieges.[22]

The same is likely to have been true of the level at which these wages were set.

It has sometimes been suggested that the heightened social tensions evident in the provinces of the Roman Near East in the late sixth and early seventh centuries were, in a sense, containable through the propagation and dissemination of an ever more integrative Christian culture. It is further hypothesised that this more uniform religious culture of the late sixth century provided the Byzantines of the mid seventh with what Averil Cameron has described as 'the strength and will to hang on until better days opened their options once again'.[23] This argument should not, however, be taken too far. In 588, for example, when a significant portion of the eastern field army was on the verge of mutiny in response to the Emperor Maurice's proposed reductions in military pay, the General Priscus had headed out from Edessa and approached the army's camp at Monocarton. There he had sought to cow the rebellious rank and file into submission by revealing one of the holiest relics of Christendom, the *Mandylion*: 'the image of God incarnate which the Romans call *not made by human hands*', which he ordered to be carried before the troops.[24] Theophylact Simocatta records the response: 'the multitude was not brought to its senses thereby, but even pelted the ineffable object with stones'.[25] Clearly, empty pockets made for bad Christians.

[22] Ibid. 275.
[23] Averil Cameron 1981: 234. With a slightly different emphasis, see also Whittow 1996.
[24] Theophylact Simocatta, *History* 3.1.11: τὸ θεανδρικὸν ἴνδαλμα παραγυμνώσας ἐδίδου (ἀχειροποίητον δὲ τοῦτο Ῥωμαῖοι κατονομάζουσι).
[25] Ibid. 3.1.12: τοῦ δὲ πλήθους μηδὲν ἐντεῦθεν σωφρονιζομένου, ἀλλὰ καὶ βάλλοντος τὸ ἀπόρρητον λίθοις.

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